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62D CONGRESS } SENATE { DOCUMENT
3d Session } { No. 1063

TREATIES, CONVENTIONS, INTERNATIONAL ACTS, PROTOCOLS, AND AGREEMENTS

BETWEEN

THE UNITED STATES OF AMERICA AND OTHER POWERS

SUPPLEMENT, 1913

TO

SENATE DOCUMENT NO. 357

SIXTY-FIRST CONGRESS
SECOND SESSION

COMPILED BY GARFIELD CHARLES

VOL. III

PART I—CONVENTIONS IN FORCE
PART II—CONVENTIONS NOT IN FORCE

WASHINGTON
GOVERNMENT PRINTING OFFICE
1913

IN THE SENATE OF THE UNITED STATES,

February 5, 1913.

Resolved, That five hundred copies additional of the supplement to the compilation entitled "Treaties, Conventions, International Acts, and Protocols Between the United States and Other Powers, seventeen hundred and seventy-six to nineteen hundred and nine," including treaties, conventions, important protocols, and international acts to which the United States may have been a party from January first, nineteen hundred and ten, to March fourth, nineteen hundred and thirteen, inclusive, be printed as a Senate document.

Attest:

CHARLES G. BENNETT,
Secretary.

Reference

PREFACE.

This compilation was prepared under the direction of the Committee on Foreign Relations, United States Senate, pursuant to the resolution of the Senate of August 16, 1912, and embraces the treaties, conventions, international acts, protocols, and agreements to which the United States has been a party since January 1, 1910, down to and including the session of Congress ending March 4, 1913.

There are also inserted in Part II such treaties, conventions, international acts, protocols, and agreements, ratifications of which have been advised by the Senate of the United States, but have failed of ratification by other signatory powers or by the President. These treaties, conventions, etc., therefore, are of no binding effect, but are included in this volume because they may become operative in the future. Although the ratification of the treaties with Panama and Colombia was advised by the Senate prior to January 1, 1910, they are inserted in this volume. These treaties, being of a tripartite nature, each depending on the other, have not become operative by reason of the failure of Colombia to accept them.

GARFIELD CHARLES.

COMMITTEE ON FOREIGN RELATIONS,
United States Senate.

759109

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PART I.

LIST OF PRESIDENTS; LIST OF SECRETARIES OF STATE; CHRONOLOGICAL LIST OF TREATIES, CONVENTIONS, AND AGREEMENTS BY COUNTRIES AND OF INTERNATIONAL ACTS; CONVENTIONS IN FORCE; INTERNATIONAL CONVENTIONS AND ACTS TO WHICH THE UNITED STATES IS A PARTY AND WHICH ARE IN FORCE.

PART I.

LIST OF PRESIDENTS.

Presidents.	Administration.	
	Began.	Ended.
George Washington	March 4, 1789	March 4, 1797.
John Adams	March 4, 1797	March 4, 1801.
Thomas Jefferson	March 4, 1801	March 4, 1809.
James Madison	March 4, 1809	March 4, 1817.
James Monroe	March 4, 1817	March 4, 1825.
John Quincy Adams	March 4, 1825	March 4, 1829.
Andrew Jackson	March 4, 1829	March 4, 1837.
Martin Van Buren	March 4, 1837	March 4, 1841.
William Henry Harrison	March 4, 1841	April 4, 1841.
John Tyler	April 4, 1841	March 4, 1845.
James K. Polk	March 4, 1845	March 4, 1849.
Zachary Taylor	March 4, 1849	July 9, 1850.
Millard Fillmore	July 9, 1850	March 4, 1853.
Franklin Pierce	March 4, 1853	March 4, 1857.
James Buchanan	March 4, 1857	March 4, 1861.
Abraham Lincoln	March 4, 1861	April 15, 1865.
Andrew Johnson	April 15, 1865	March 4, 1869.
Ulysses S. Grant	March 4, 1869	March 4, 1877.
Rutherford B. Hayes	March 4, 1877	March 4, 1881.
James A. Garfield	March 4, 1881	September 19, 1881.
Chester A. Arthur	September 19, 1881	March 4, 1885.
Grover Cleveland	March 4, 1885	March 4, 1889.
Benjamin Harrison	March 4, 1889	March 4, 1893.
Grover Cleveland	March 4, 1893	March 4, 1897.
William McKinley	March 4, 1897	September 14, 1901.
Theodore Roosevelt	September 14, 1901	March 4, 1909.
William H. Taft	March 4, 1909	March 4, 1913.
Woodrow Wilson	March 4, 1913	

SECRETARIES OF STATE.

The following list contains the names of the different Secretaries, the Presidents by whom appointed, and the dates of their respective commissions:

Secretaries of State.	Presidents.	Commissioned.
Thomas Jefferson, of Virginia	George Washington	September 26, 1789.
Edmund Randolph, of Virginia	do	January 2, 1794.
Timothy Pickering, of Pennsylvania (Secretary of War).	do John Adams	December 10, 1795.
John Marshall, of Virginia	do	May 13, 1800.
Levi Lincoln, of Massachusetts (Attorney General), ad interim.	do	March 5, 1801.
James Madison, of Virginia	Thomas Jefferson	March 5, 1801.
Robert Smith, of Maryland	James Madison	March 6, 1809.
James Monroe, of Virginia	do	April 2, 1811.
Richard Rush, of Pennsylvania (Attorney General), ad interim.	James Monroe	March 10. 1817.
John Quincy Adams, of Massachusetts	do	March 5, 1817.
Henry Clay, of Kentucky	John Quincy Adams	March 7, 1825.
James A. Hamilton, of New York, ad interim	do	March 4, 1829.
Martin Van Buren, of New York	Andrew Jackson	March 6, 1829.
Edward Livingston, of Louisiana	do	May 24, 1831.
Louis McLane, of Delaware	do	May 29, 1833.
John Forsyth, of Georgia	do Martin Van Buren	June 27, 1834.
J. L. Martin, of North Carolina (chief clerk), ad interim.	do	March 3, 1841.
Daniel Webster of Massachusetts	William H. Harrison John Tyler	March 5, 1841.
Hugh S. Legaré, of South Carolina (Attorney General), ad interim.	do	May 9, 1843.
William S. Derrick, of Pennsylvania (chief clerk), ad interim.	do	June 21, 1843.
Abel P. Upshur, of Virginia (Secretary of the Navy)	do	June 24, 1843.
John Nelson, of Maryland (Attorney General), ad interim.	do	February 29, 1844.
John C. Calhoun, of South Carolina	do	March 6, 1844.
James Buchanan, of Pennsylvania	James K. Polk	March 6, 1845.
John M. Clayton, of Delaware	Zachary Taylor Millard Fillmore	March 7, 1849.
Daniel Webster, of Massachusetts	do	July 22, 1850.
Charles M. Conrad, of Louisiana (Secretary of War), ad interim.	do	September 2, 1852.
Edward Everett, of Massachusetts	do	November 6, 1852.
William Hunter, of Rhode Island (chief clerk), ad interim.	do	March 3, 1853.

Secretaries of State.	Presidents.	Commissioned.
William L. Marcy, of New York	Franklin Pierce	March 7, 1853.
Lewis Cass, of Michigan	James Buchanan	March 6, 1857.
William Hunter, of Rhode Island (chief clerk), ad interim.	do	December 13, 1860.
Jeremiah S. Black, of Pennsylvania	do	December 17, 1860.
William H. Seward, of New York	Abraham Lincoln Andrew Johnson	March 5, 1861.
Elihu B. Washburne, Illinois	Uylsses S. Grant	March 5, 1869.
Hamilton Fish, of New York	do	March 11, 1869.
William M. Evarts, of New York	Rutherford B. Hayes	March 12, 1877.
James G. Blaine, of Maine	James A. Garfield Chester A. Arthur	March 5, 1881.
Frederick T. Frelinghuysen, of New Jersey	do	December 12, 1881.
Thomas F. Bayard, of Delaware	Grover Cleveland	March 6, 1885.
James G. Blaine, of Maine	Benjamin Harrison	March 5, 1889.
William F. Wharton, of Massachusetts (Assistant Secretary), ad interim.	do	June 4, 1892.
John W. Foster, of Indiana	do	June 29, 1892.
William F. Wharton of Massachusetts (Assistant Secretary), ad interim.	do	February 24, 1893.
Walter Q. Gresham, of Illinois	Grover Cleveland	March 6, 1893.
Edwin F. Uhl, of Michigan (Assistant Secretary), ad interim.	do	March 28, 1895.
Richard Olney, of Massachusetts	do	June 8, 1895.
John Sherman, of Ohio	William McKinley	March 6, 1897.
William R. Day, of Ohio	do	April 26, 1898.
Alvey A. Adee, of the District of Columbia (Second Assistant Secretary), ad interim.	do	September 17, 1898.
John Hay, of the District of Columbia	do Theodore Roosevelt	September 20, 1898.
Elihu Root, of New York	do	July 7, 1905.
Robert Bacon, of New York	do	January 27, 1909.
Philander C. Knox, of Pennsylvania	William H. Taft	March 5, 1909.
William Jennings Bryan, of Nebraska	Woodrow Wilson	March 3, 1913.

CHRONOLOGICAL LIST OF TREATIES, CONVENTIONS, AGREEMENTS BY COUNTRIES, AND OF INTERNATIONAL ACTS, 1910–1913.

Country.	Subject.	Signed.	Proclaimed.	Page
Argentine Republic.	Naturalization	August 9, 1909	January 12, 1910	343
Austria-Hungary	Copyrights	January 30, 1912	October 15, 1912	17
Brazil	Naturalization	April 27, 1908	April 2, 1910	19
Brazil	Arbitration	January 23, 1909	August 2, 1911	21
Colombia	Ship canal	January 22, 1903		223
Colombia	Ship canal	January 9, 1909		235
Colombia and Panama.	Ship canal	January 9, 1909		243
Costa Rica	Naturalization	June 10, 1911	June 6, 1912	23
Dominican Republic.	Extradition	June 19, 1909	August 26, 1910	25
Ecuador	Arbitration	January 7, 1909	June 23, 1910	31
France	Extradition	January 6, 1909	July 26, 1911	33
France	Arbitration	August 3, 1911		380
France	Arbitration	February 13, 1913	March 15, 1913	38
Great Britain	Boundary waters between United States and Canada.	January 11, 1909	May 13, 1910	39
Great Britain	Passamaquoddy Bay	May 21, 1910	September 3, 1910	47
Great Britian	Pecuniary claims	August 18, 1910	April 26, 1912	50
Great Britain	Fur seals	February 7, 1911	December 14, 1911	56
Great Britain	Fur seals	July 7, 1911	December 14, 1911	60
Great Britain	Arbitration	August 3, 1911		385
Great Britain	Atlantic coast fisheries arbitration	July 20, 1912	November 16, 1912	66
Honduras	Extradition	January 15, 1909	July 10, 1912	71
Italy	Commerce and navigation	February 25, 1913		442
Japan	Commerce and navigation	February 21, 1911	April 5, 1911	77
Japan	Fur seals	July 7, 1911	December 14, 1911	84
Mexico	Arbitration of Chamizal case	June 24, 1910	January 25, 1911	91
Mexico	Supplemental protocol for arbitration of Chamizal case.	December 5, 1910	January 25, 1911	94
Nicaragua	Naturalization	December 7, 1908	May 10, 1912	95
Nicaragua	Naturalization	June 17, 1911	May 10, 1912	97
Panama	Ship canal	January 9, 1909		239
Panama and Colombia.	Ship canal	January 9, 1909		243
Russia	Fur seals	July 7, 1911	December 14, 1911	99
Salvador	Extradition	April 18, 1911	July 13, 1911	106
Sweden	Consular	June 1, 1910	March 20, 1911	112

CHRONOLOGICAL LIST OF TREATIES, ETC.—Continued.

INTERNATIONAL ACTS AND CONVENTIONS.

Subject.	Signed.	Proclaimed.	Page.
Pecuniary claims	August 13, 1906	January 28, 1913	121
Status of naturalized citizens	August 13, 1906	January 28, 1913	125
International law	August 23, 1906	May 1, 1912	129
Wireless telegraphy	November 3, 1906	May 25, 1912	151
Wireless telegraphy	July 5, 1912		185
International Prize Court	October 18, 1907		248
Declaration of International Naval Conference	February 26, 1909		266
Repression of the circulation of obscene publications	May 4, 1910	April 13, 1911	133
Assistance and salvage at sea	September 23, 1910	February 13, 1913	137
Fourth International Congress of American States:			
Pecuniary claims	August 11, 1910		345
Literary and artistic copyrights	August 11, 1910		349
Protection of trade-marks	August 22, 1910		354
Inventions, patents, designs, and industrial models.	August 20, 1910		362
Industrial property	June 2, 1911		367
International sanitation	January 17, 1912		390

TREATIES AND CONVENTIONS NOW IN FORCE.

AUSTRIA-HUNGARY.

1912.

Copyright Convention.

Signed at Budapest January 30, 1912; ratification advised by the Senate July 23, 1912; ratified by the President July 31, 1912, ratifications exchanged September 16, 1912; proclaimed October 15, 1912.

ARTICLES.

I. Reciprocal protection.
II. Conditions and formalities to be observed.
III. Term of copyright protection.
IV. Ratification.
V. Duration.

The President of the United States of America, and His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary,

Desiring to provide, between the United States of America and Hungary, for a reciprocal legal protection in regard to copyright of the citizens and subjects of the two Countries, have, to this end, decided to conclude a Convention, and have appointed as their Plenipotentiaries:

The President of the United States of America:

Richard C. Kerens, Ambassador Extraordinary and Plenipotentiary of the United States of America to His Imperial and Royal Apostolic Majesty; and His Majesty the Emperor of Austria, King of Bohemia etc. and Apostolic King of Hungary:

Count Paul Esterházy, baron of Galantha, viscount of Fraknó, Privy Councillor and Chamberlain, Chief of section in the Ministry of the Imperial and Royal House and of Foreign Affairs, and Dr. Gustavus de Tory, Secretary of State in the Royal Hungarian Ministry of Justice;

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

Article 1.

Authors who are citizens or subjects of one of the two countries or their assigns shall enjoy in the other country, for their literary, artistic, dramatic, musical and photographic works (whether unpublished or published in one of the two countries) the same rights which the respective laws do now or may hereafter grant to natives.

The above provision includes the copyright control of mechanical musical reproductions.

ARTICLE 2.

The enjoyment and the exercise of the rights secured by the present Convention are subject to the performance of the conditions and formalities prescribed by the laws and regulations of the country where protection is claimed under the present Convention; such enjoyment and such exercise are independent of the existence of protection in the country of origin of the work.

ARTICLE 3.

The term of copyright protection granted by the present Convention shall be regulated by the law of the country where protection is claimed.

ARTICLE 4.

The present Convention shall be ratified and the ratifications shall be exchanged at Washington as soon as possible.

ARTICLE 5.

The present Convention shall be put in force one month after the exchange of ratifications, and shall remain in force until the termination of a year from the day on which it may have been denounced.

In faith whereof the Plenipotentiaries have signed the present Convention in two copies, each in the English and Hungarian languages, and have affixed thereto their seals.

Done at Budapest, the 30th day of January 1912.

[SEAL] RICHARD C KERENS
[SEAL] ESTERHÁZY PÁL
[SEAL] TÖRY GUSZTÁV

BRAZIL.

1908.

Naturalization Convention.

Signed at Rio de Janeiro April 27 1908; ratification advised by the Senate December 10, 1908; ratified by the President December 26, 1908; ratified by Brazil December 6, 1909; ratifications exchanged at Rio de Janeiro February 28, 1910; proclaimed April 2, 1910.

Articles.

I. Naturalization recognized.
II. Renunciation of naturalization.
III. Definition of citizen.
IV. Liability for prior offenses.
V. Declaration of intention.
VI. Ratification; duration.

The United States of America and the United States of Brazil, led by the wish to regulate the status of their naturalized citizens who again take up their residence in the country of their origin, have resolved to make a Convention on this subject, and to this end have appointed for their Plenipotentiaries, viz:

The President of the United States of America, the Ambassador Extraordinary and Plenipotentiary of the United States of America near the Government of the United States of Brazil, Irving B. Dudley; and

The President of the United States of Brazil, the Minister of State for Foreign Relations, José Maria da Silva Paranhos do Rio-Branco;

Who, thereunto duly authorized, have agreed upon the following articles:

Article I

Citizens of the United States of America who may or shall have been naturalized in the United States of Brazil upon their own application or by their own consent, will be considered by the United States of America as citizens of the United States of Brazil. Reciprocally, Brazilians who may or shall have been naturalized in the United States of America upon their own application or by their own consent will be considered by the United States of Brazil as citizens of the United States of America.

Article II

If a citizen of the United States of America, naturalized in the United States of Brazil, renews his residence in the United States of America, with the intention not to return to the United States

of Brazil, he shall be held to have renounced his naturalization in the United States of Brazil; and, reciprocally, if a citizen of the United States of Brazil, naturalized in the United States of America, renews his residence in the United States of Brazil, with the intention not to return to the United States of America, he shall be held to have renounced his naturalization in the United States of America.

The intention not to return may be held to exist when the person naturalized in one of the two countries resides more than two years in the other; but this presumption may be destroyed by evidence to the contrary.

Article III

It is agreed that the word "citizen", as used in this Convention, means any person whose nationality is that of the United States of America or the United States of Brazil.

Article IV

A naturalized citizen of the one party, on returning to the territory of the other, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

Article V

The status of a naturalized citizen may be acquired only through the means established by the laws of each of the countries and never by one's declaration of intention to become a citizen of one or the other country.

Article VI

The present Convention shall be submitted for the approval and ratification of the competent authorities of the contracting parties and the ratifications shall be exchanged at the city of Rio de Janeiro within two years from the date of this Convention.

It shall enter into full force and effect immediately after the exchange of ratifications, and in case either of the two parties notify the other of its intention to terminate the same, it shall continue in force for one year counting from the date of said notification.

In witness whereof the Plenipotentiaries above mentioned have signed the present Convention, affixing thereto their seals.

Done in duplicate, each in the two languages, English and Portuguese, at the city of Rio de Janeiro, this twenty-seventh day of April nineteen hundred and eight.

[SEAL.] Irving B Dudley
[SEAL.] Rio-Branco.

BRAZIL.

1909.

Arbitration Convention.

Signed at Washington January 23, 1909; ratification advised by the Senate January 27, 1909; ratified by the President March 1, 1909; ratified by Brazil January 2, 1911; ratifications exchanged at Washington July 26, 1911; proclaimed August 2, 1911.

Articles.

I. Differences to be submitted.
II. Special agreement.
III. Ratification.
IV. Duration.

The President of the United States of America and the President of the United States of Brazil, desiring to conclude an Arbitration Convention in pursuance of the principles set forth in Articles XV to XIX and in Article XXI of the Convention for the Pacific Settlement of International Disputes, signed at The Hague on July 29th, 1899, and in Articles XXXVII to XL and Article XLII of the Convention signed at the same city of The Hague on October 18th, 1907, have named as their Plenipotentiaries, to wit:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

The President of the United States of Brazil, His Excellency Senhor Joaquim Nabuco, Ambassador Extraordinary and Plenipotentiary to the Government of the United States of America, Member of the Permanent Court of Arbitration of The Hague;

Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

Article I.

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two High Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two High Contracting Parties, and do not concern the interests of third Parties, and it being further understood that in case either of the two High Contracting Parties shall so elect any arbitration pursuant hereto shall be had before the Chief of a friendly State or arbitrators selected without limitation to the lists of the aforesaid Hague Tribunal.

Article II.

In each individual case the two High Contracting Parties, before appealing to the Permanent Court of Arbitration of The Hague or to other arbitrators or arbitrator, shall conclude a special agreement defining clearly the matter in dispute, the scope of the powers of the arbitrator or arbitrators and the periods to be fixed for the formation of the Court, or for the selection of the arbitrator or arbitrators, and for the several stages of the procedure. It is understood that on the part of the United States of America such special agreement will be made by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the President of the United States of Brazil with the approval of the two Houses of the Federal Congress thereof.

Article III.

The present Convention will be in force for a period of five years, dating from the day of the exchange of its ratifications, and, if not denounced six months before the end of the aforesaid term, will be renewed for an equal period of five years, and so on, successively.

Article IV.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the United States of Brazil, with the authorization of the Federal Congress thereof. The ratifications shall be exchanged in the city of Washington as soon as possible, and the Convention shall take effect immediately after the exchange of the ratifications.

In testimony whereof, we, the aforesaid Plenipotentiaries, have signed the present instrument in duplicate, in the English and Portuguese languages, and have affixed thereto our seals.

Done in the city of Washington, this 23rd day of January, in the year one thousand nine hundred and nine.

Elihu Root [seal]
Joaquim Nabuco [seal]

COSTA RICA.

1911.

Naturalization Convention.

Signed at San Jose June 10, 1911; ratification advised by the Senate February 14, 1912; ratified by the President March 29, 1912; ratified by Costa Rica August 5, 1911; ratifications exchanged at San Jose May 9, 1912; proclaimed June 6, 1912.

Articles.

I. Naturalization recognized.
II. Renunciation of naturalization.
III. Definition of citizen.
IV. Liability for prior offenses.
V. Declaration of intention.
VI. Effect; duration; ratification.

The President of the United States of America and the President of the Republic of Costa Rica, desiring to regulate the citizenship of those persons who emigrate from the United States of America to Costa Rica and from Costa Rica to the United States of America, have resolved to conclude a convention on this subject and for that purpose have appointed their plenipotentiaries to conclude a convention, that is to say: the President of the United States of America, G. L. Monroe, Jr. Chargé d'Affaires ad interim of the United States at Costa Rica, and the President of Costa Rica señor Licenciado don Manuel Castro Quesada, Minister for Foreign Affairs, who have agreed to and signed the following articles:

Article I.

Citizens of the United States who may or shall have been naturalized in Costa Rica, upon their own application or by their own consent, will be considered by the United States as citizens of the Republic of Costa Rica. Reciprocally, Costa Ricans who may or shall have been naturalized in the United States upon their own application or with their own consent, will be considered by the Republic of Costa Rica citizens of the United States.

Article II.

If a Costa Rican, naturalized in the United States of America, renews his residence in Costa Rica without intent to return to the United States, he may be held to have renounced his naturalization in the United States. Reciprocally, if a citizen of the United States, naturalized in Costa Rica, renews his residence in the United States, without intent to return to Costa Rica, he may be presumed to have renounced his naturalization in Costa Rica.

The intent not to return may be held to exist when the person naturalized in the one country, resides more than two years in the other country, but this presumption may be destroyed by evidence to the contrary.

ARTICLE III.

It is mutually agreed that the definition of the word "citizen" as used in this convention, shall be held to mean a person to whom nationality of the United States or Costa Rica attaches.

ARTICLE IV.

A recognized citizen of the one party, returning to the territory of the other, remains liable to trial and legal punishment for an action punishable by the laws of his original country and committed before his emigration; but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

ARTICLE V.

The declaration of intention to become a citizen of the one or the other country has not for either party the effect of naturalization.

ARTICLE VI.

The present convention shall go into effect immediately on the exchange of ratifications, and in the event of either party giving the other notice of its intention to terminate the convention it shall continue to be in effect for one year more, to count from the date of such notice.

The present convention shall be submitted to the approval and ratification of the respective appropriate authorities of each of the contracting parties, and the ratifications shall be exchanged at San José or Washington within twenty-four months of the date hereof.

Signed at the city of San José on the 10th day of June one thousand nine hundred and eleven.

[SEAL.] G. L. MONROE JR

[SEAL.] MANUEL CASTRO QUESADA

DOMINICAN REPUBLIC.

1909.

Extradition Convention.

Signed at Santo Domingo June 19, 1909; ratification advised by the Senate with amendment July 26, 1909; ratified by the President April 29, 1910; ratified by Dominican Republic July 11, 1910; ratifications exchanged at Santo Domingo August 2, 1910; proclaimed August 26, 1910.

Articles.

I. Delivery of accused.
II. Extraditable offenses.
III. Political offenses.
IV. Offense for which to be tried.
V. Limitations.
VI. Extradition deferred.
VII. Claimed by other nations.
VIII. Nondelivery of citizens.
IX. Expenses.
X. Property in possession of accused.
XI. Procedure.
XII. Provisional detention.
XIII. Assistance of legal officers.
XIV. Effect, duration, ratification.

The United States of America and the Dominican Republic, having judged it expedient, with a view to the better administration of justice and to the prevention of crimes within their respective territories and jurisdictions, that persons convicted of or charged with the crimes hereinafter specified, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a convention for that purpose, and have appointed as their plenipotentiaries:

The President of the United States of America, Fenton R. McCreery, Minister Resident and Consul General of the United States of America, and the President of the Dominican Republic, Don Emilio Tejera Bonetti, Acting Secretary of State for Foreign Affairs of the Dominican Republic, who, after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

Article I.

It is agreed that the Government of the United States and the Government of the Dominican Republic shall, upon mutual requisition duly made as herein provided, deliver up to justice any person who may be charged with, or may have been convicted of any of the crimes specified in article two of this Convention committed within the jurisdiction of one of the Contracting Parties while said person was actually within such jurisdiction when the crime was committed, and who shall seek an asylum or shall be found within the territories of the other, provided that such surrender shall take place only upon

such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed.

ARTICLE II.

Persons shall be delivered up according to the provisions of this Convention, who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms of parricide, assassination, manslaughter, when voluntary, poisoning or infanticide.

2. The attempt to commit murder.

3. Rape, abortion, carnal knowledge of children under the age of twelve years.

4. Bigamy.

5. Arson.

6. Willful and unlawful destruction or obstruction of railroads, which endangers human life.

7. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the laws of Nations;

(b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of such vessel;

(d) Assault on board ships upon the high seas with intent to do bodily harm.

8. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein;

9. The act of breaking into and entering into the offices of the Government and public authorities, or the offices of banks, banking houses, saving banks, trust companies, insurance companies, or other buildings not dwellings with intent to commit a felony therein.

10. Robbery, defined to be the act of feloniously and forcibly taking from the person of another, goods or money by violence or by putting him in fear.

11. Forgery or the utterance of forged papers.

12. The forgery or falsification of the official acts of the Government or public authority, including Courts of Justice, or the uttering or fraudulent use of any of the same.

13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, bank notes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

14. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars.

15. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offence is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars.

16. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them or their families, or for any other unlawful end.

17. Larceny, defined to be the theft of effects, personal property, or money of the value of twenty-five dollars or more.

18. Obtaining money, valuable securities or other property by false pretenses or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars.

19. Perjury or subornation of perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any Company or Corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars.

21. Crimes and offences against the laws of both countries for the suppression of slavery and slave trading.

22. The extradition is also to take place for participation in any of the aforesaid crimes as an accessory before or after the fact, provided such participation be punishable by imprisonment by the laws of both Contracting Parties.

Article III.

The provisions of this Convention shall not import claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences; and no persons surrendered by or to either of the Contracting Parties in virtue of this Convention shall be tried or punished for a political crime or offence. When the offence charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offence was committed or attempted against the life of the Sovereign or Head of a foreign State or against the life of any member of his family, shall not be deemed sufficient to sustain that such a crime or offence was of a political character, or was an act connected with crimes or offences of a political character.

Article IV.

No persons shall be tried for any crime or offence other than that for which he was surrendered.

Article V.

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offence for which the surrender is asked.

ARTICLE VI.

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offence committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and, until he shall have been set at liberty in due course of law.

ARTICLE VII.

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received.

ARTICLE VIII.

Under the stipulations of this convention, neither of the Contracting Parties shall be bound to deliver up its own citizens or subjects.

ARTICLE IX.

The expense of the arrest, detention, examination and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

ARTICLE X.

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offence, or which may be material as evidence in making proof of the crime, shall, so far as practicable, according to the laws of either of the Contracting Parties, be delivered up with his person at the time of the surrender. Nevertheless, the rights of a third party with regard to the articles aforesaid, shall be duly respected.

ARTICLE XI.

The stipulations of this Convention shall be applicable to all territory wherever situated, belonging to either of the Contracting Parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the Contracting Parties. In the event of the absence of such agents from the country or its seat of Government, or where extradition is sought from territory included in the preceding paragraph, other than the United States or the Dominican Republic, requisition may be made by superior consular officers.

It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and

magistrates of the two Governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the Court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced with such other evidence or proof as may be deemed competent in the case.

Article XII.

If, when a person accused shall have been arrested in virtue of the mandate or preliminary warrant of arrest, issued by the competent authority as provided in Article XI hereof, and been brought, before a judge or magistrate to the end that the evidence of his or her guilt may be heard and examined as herein before provided, it shall appear that the mandate or preliminary warrant of arrest has been issued in pursuance of a request or declaration received by telegraph from the Government asking for the extradition, it shall be competent for the judge or magistrate at his discretion to hold the accused for a period not exceeding two months, so that the demanding Government may have opportunity to lay before such judge or magistrate legal evidence of the guilt of the accused, and if, at the expiration of said period of two months, such legal evidence shall not have been produced before such judge or magistrate, the person arrested shall be released, provided that the examination of the charges preferred against such accused person shall not be actually going on.

Article XIII.

In every case of a request made by either of the two Contracting Parties for the arrest, detention or extradition of fugitive criminals, the legal officers or fiscal ministry of the country where the proceedings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition, provided however, that any officer or officers of the surrendering Government so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as

though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIV.

This Convention shall take effect from the day of the exchange of the ratifications thereof; but either Contracting Party may at any time terminate the same on giving to the other six months notice of its intention to do so.

The ratifications of the present Treaty shall be exchanged at the City of Santo Domingo as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the above articles, and have hereunto affixed their seals.

Done, in duplicate, at the City of Santo Domingo, this nineteenth day of June, one thousand nine hundred and nine.

[SEAL] FENTON R MCCREERY
[SEAL] E TEJERA BONETTI

ECUADOR.

1909.

Arbitration Convention.

Signed at Washington January 7, 1909; ratification advised by the Senate January 13, 1909; ratified by the President March 1, 1909; ratified by Ecuador November 5, 1909; ratifications exchanged at Washington June 22, 1910; proclaimed June 23, 1910.

Articles.

I. Differences to be submitted.
II. Special agreement.
III. Duration.
IV. Ratification.

The Government of the United States of America, signatory of the two conventions for the Pacific Settlement of International Disputes, concluded at The Hague, respectively, on July 29, 1899, and October 18, 1907, and the Government of the Republic of Ecuador, adherent to the said convention of July 29, 1899, and signatory of the said convention of October 18, 1907;

Taking into consideration that by Article XIX of the convention of July 29, 1899, and by Article XL of the convention of October 18, 1907, the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment;

Have authorized the undersigned to conclude the following Convention:

Article I.

Differences which may arise of a legal nature, or relating to the interpretation of traties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the convention of the 29th July, 1899, for the Pacific Settlement of International Disputes, and maintained by The Hague Convention of the 18th October, 1907; provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

Article II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement, defining clearly the matter in dispute, the

scope of the powers of the arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Ecuador shall be subject to the procedure required by the Constitution and laws thereof.

ARTICLE III.

The present Convention is concluded for a period of five years and shall remain in force thereafter until one year's notice of termination shall be given by either party.

ARTICLE IV.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of Ecuador in accordance with the Constitution and laws thereof. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

Done in duplicate, in the English and Spanish languages, at Washington, this seventh day of January, in the year one thousand nine hundred and nine.

ELIHU ROOT [SEAL]
L. F. CARBO [SEAL]

FRANCE.

1909.

Extradition Convention.

Signed at Paris January 6, 1909; ratification advised by the Senate with amendment April 5, 1909; ratified by the President May 25, 1911; ratified by France June 27, 1911; ratifications exchanged at Paris June 27, 1911; proclaimed July 26, 1911.

Articles.

I. Delivery of accused.
II. Extraditable offenses.
III. Requisition for surrender.
IV. Application for arrest and detention.
V. Nondelivery of citizens.
VI. Political offenses.
VII. Offense for which to be tried.
VIII. Limitations.
IX. Extradition to be deferred.
X. Priority of demand.
XI. Property in possession of accused.
XII. Expenses.
XIII. Procedure in colonies and possessions.
XIV. Effect; duration; ratification.

The United States of America and the Republic of France, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a new treaty for the extradition of fugitives from justice, and have appointed for that purpose the following plenipotentiaries:

The President of the United States of America:

His Excellency Mr. Henry White, Ambassador extraordinary and plenipotentiary of the United States of America to the French Republic,

And the President of the French Republic:

His Excellency M. Stephen Pichon, Senator, Minister for Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

The Government of the United States and the Government of France mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes or offences specified in the following article, committed within the jurisdiction of one of the contracting Parties, shall seek an asylum or be found within the territories of the other: Provided That this shall only be done upon such evidence of criminality as, according to the laws of the place

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where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offence had been there committed.

Article II.

Extradition shall be granted for the following crimes and offences:

1. Murder, assassination, parricide, infanticide and poisoning; manslaughter, when voluntary; assault with intent to commit murder.

2. Rape, abortion, bigamy.

3. Arson.

4. Robbery, burglary, house-breaking or shop-breaking.

5. Forgery; the utterance of forged papers, the forgery or falsification of official acts of Government, of public authority, or of courts of justice, or the utterance of the thing forged or falsified.

6. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, municipal or other governments, or of coupons thereof, or of bank-notes, or the utterance or circulation of the same; or the counterfeiting, falsifying, or altering of seals of State.

7. Fraud or breach of trust by a bailee, banker, agent, factor, executor, administrator, guardian, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries, and the amount of money or the value of the property misappropriated is not less than two hundred dollars, or one thousand francs.

Embezzlement by public officers or depositaries; Embezzlement by persons hired or salaried, to the detriment of their employers.

8. Larceny; obtaining money, valuable securities or other property by false pretenses, when such act is made criminal by the laws of both countries, and the amount of money of the value of the property fraudulently obtained is not less than two hundred dollars or one thousand francs.

9. Perjury, subornation of perjury.

10. Child-stealing, or abduction of a minor under the age of 14 for a boy and of 16 for a girl.

11. Kidnapping of minors or adults.

12. Willful and unlawful destruction or obstruction of railroads, which endangers human life.

13 *a*. Piracy, by the law of nations.

b. The act by any person, being or not being one of the crew of a vessel, of taking possession of such vessel by fraud or violence.

c. Wrongfully sinking or destroying a vessel at sea.

d. Revolt or conspiracy to revolt, by two or more persons on board a ship on the high seas, against the authority of the captain or master.

e. Assaults on board a ship on the high seas, with intent to do grievous bodily harm.

14. Crimes and offences against the laws of both countries for the suppression of slavery and slave-trading.

15. Receiving money, valuable securities or other property knowing the same to have been unlawfully obtained, when such act is made criminal by the laws of both countries and the amount of money or the value of the property so received is not less than two hundred dollars or one thousand francs.

Extradition shall also be granted for participation or complicity in or attempt to commit any of the crimes or offences above mentioned when such participation, complicity, or attempt is punishable by the laws of the two countries.

ARTICLE III.

Requisitions for the surrender of fugitives from justice shall be made by the diplomatic agents of the contracting Parties, or, in the absence of these from the country or its seat of government, they may be made by the consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offence, a duly authenticated copy of the sentence of the court in which he was convicted, or, if the fugitive is merely charged with a crime or offence, a duly authenticated copy of the warrant of arrest in the country where the crime or offence has been committed and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this treaty shall be carried out in the United States and in France, respectively, in conformity with the laws regulating extradition for the time being in force in the State on which the demand for surrender is made.

ARTICLE IV.

The arrest and detention of a fugitive may be applied for on information, even by telegraph, of the existence of a judgment of conviction or of a warrant of arrest.

In France, the application for arrest and detention shall be addressed to the Minister of Foreign Affairs who will transmit it to the proper department.

In the United States, the application for arrest and detention shall be addressed to the Secretary of State, who shall deliver a warrant certifying that the application is regularly made and requesting the competent authorities to take action thereon in conformity to statute.

In both countries, in case of urgency, the application for arrest and detention may be addressed directly to the competent magistrate in conformity to the statutes in force.

In both countries, the person provisionally arrested shall be released, unless within forty days from the date of arrest in France, or from the date of commitment in the United States, the formal requisition for surrender with the documentary proofs herein before prescribed be made as aforesaid by the diplomatic agent of the demanding government or, in his absence, by a consular officer thereof.

ARTICLE V.

Neither of the contracting Parties shall be bound to deliver up its own citizens or subjects under the stipulations of this convention.

ARTICLE VI.

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been

made with a view to try or punish him for an offence of a political character.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the Government on which the demand for surrender is made shall be final.

ARTICLE VII.

No person surrendered by either of the High contracting Parties to the other shall be triable or tried or be punished for any crime or offence committed prior to his extradition, other than the offence for which he was delivered up, nor shall such person be arrested or detained on civil process for a cause accrued before extradition, unless he has been at liberty for one month after having been tried, to leave the country, or, in case of conviction, for one month after having suffered his punishment or having been pardoned.

ARTICLE VIII.

Extradition shall not be granted, in pursuance of the provisions of this convention, if the person claimed has been tried for the same act in the country to which the requisition is addressed, or if legal proceedings or the enforcement of the penalty for the act committed by the person claimed have become barred by limitation, according to the laws of the country to which the requisition is addressed.

ARTICLE IX.

If the person whose extradition may be claimed, pursuant to the stipulations hereof, be actually under prosecution for a crime or offence in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be terminated, and until such criminal shall be set at liberty in due course of law.

ARTICLE X.

If the individual claimed by one of the High contracting Parties, in pursuance of the present treaty, shall also be claimed by one or several other Powers on account of crimes or offences committed within their respective jurisdictions, his extradition shall be granted to the State whose demand is first received; Provided, That the Government from which extradition is asked is not bound by treaty, in case of concurrent demands, to give preference to the one earliest in date, in which event that shall be the rule; And Provided That no other arrangement is made between the demanding Governments according to which preference may be given either on account of the gravity of the crime committed or for any other reason.

ARTICLE XI.

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offence charged, or being material as evidence in making proof of the crime or offence, shall, so far as prac-

ticable, and if the competent authority of the State applied to orders the delivery thereof, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to the articles aforesaid shall be duly respected.

ARTICLE XII.

The expenses incurred in the arrest, detention, examination and delivery of fugitives under this treaty shall be borne by the State in whose name the extradition is sought; Provided, That the demanding Government shall not be compelled to bear any expense for the services of such public officers or functionaries of the Government from which extradition is sought as receive a fixed salary; And Provided, That the charge for the services of such public officers or functionaries as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers or functionaries.

ARTICLE XIII.

In the colonies and other possessions of the two High contracting Parties, the manner of proceeding may be as follows:

The requisition for the surrender of a fugitive criminal who has taken refuge in a colony or foreign possession of either Party may be made to the Governor or chief authority of such colony or possession by the chief consular officer of the other in such colony or possession; or if the fugitive has escaped from a colony or foreign possession of the Party on whose behalf the requisition is made, by the Governor or chief authority of such colony or possession.

Such requisitions may be disposed of, subject always, as nearly as may be, to the provisions of this treaty, by the respective Governors or chief authorities, who, however, shall be at liberty either to grant the surrender or refer the matter to their Government.

ARTICLE XIV.

The present treaty shall take effect on the thirtieth day after the date of the exchange of Ratifications, and shall not operate retroactively.

On the day on which it takes effect, the conventions of November 9, 1843, February 24, 1845, and February 10, 1858, shall cease to be in force except as to crimes therein enumerated and committed prior to that date.

The ratifications of this treaty shall be exchanged at Paris as soon as possible, and it shall remain in force for a period of six months after either of the two Governments shall have given notice of a purpose to terminate it.

In witness whereof, the respective Plenipotentiaries have signed the above articles both in English and the French languages and have hereunto affixed their seals.

Done in duplicate at Paris, on the 6th January 1909,

[SEAL] HENRY WHITE
[SEAL] S. PICHON

FRANCE.

1909.

Agreement Extending the Duration of the Arbitration Convention of February 10, 1908.[a]

Signed at Washington February 13, 1913; ratification advised by the Senate February 19, 1913; ratified by the President February 25, 1913; ratified by France February 28, 1913; ratifications exchanged at Washington March 14, 1913; proclaimed March 15, 1913.

Articles.

I. Extension of arbitration convention of February 10, 1908.
II. Ratification.

The Government of the United States of America and the Government of the French Republic, being desirous of extending the period of five years during which the Arbitration Convention concluded between them on February 10, 1908, is to remain in force, which period is about to expire, have authorized the undersigned, to wit: Philander C. Knox, Secretary of State of the United States, and J. J. Jusserand, Ambassador of the French Republic to the United States, to conclude the following arrangement:

Article I.

The Convention of Arbitration of February 10, 1908, between the Government of the United States of America and the Government of the French Republic, the duration of which by Article III thereof was fixed at a period of five years from the date of ratification, which period will terminate on February 27, 1913, is hereby extended and continued in force for a further period of five years from February 27, 1913.

Article II.

The present Agreement shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the French Republic, in accordance with the constitutional laws of France, and it shall become effective upon the date of the exchange of ratifications, which shall take place at Washington as soon as possible.

Done in duplicate, in the English and French languages, at Washington this 13th day of February, one thousand nine hundred and thirteen.

Philander C. Knox [seal]
Jusserand [seal]

[a] Vol. 1, p. 549.

GREAT BRITAIN.

1909.

Convention Concerning the Boundary Waters Between the United States and Canada.[a]

Signed at Washington January 11, 1909; ratification advised by the Senate March 3, 1909; ratified by the President April 1, 1910; ratified by Great Britain March 31, 1910; ratifications exchanged at Washington May 5, 1910; proclaimed May 13, 1910.

Articles.

I. Right of navigation.
II. Jurisdiction and control.
III. Natural level or flow of boundary waters.
IV. Construction or maintenance of obstructions.
V. Diversion of waters of Niagara River.
VI. Division of waters of St. Mary and Milk Rivers.
VII. International Joint Commission.
VIII. Jurisdiction of commission.
IX. Reference of differences.
X. Consent for reference.
XI. Meeting and organization.
XII. Special agreements.
XIII. Duration, ratification.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, have resolved to conclude a treaty in furtherance of these ends, and for that purpose have appointed as their respective plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

His Britannic Majesty, the Right Honorable James Bryce, O. M., his Ambassador Extraordinary and Plenipotentiary at Washington;

Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

Preliminary Article.

For the purposes of this treaty boundary waters are defined as the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the inter-

[a] International Transit Co. *v.* City of Sault Ste. Marie et al. (194 Fed. Rep., 522.)

national boundary between the United States and the Dominion of Canada passes, including all bays, arms, and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers, and waterways, or waters flowing from such lakes, rivers, and waterways, or the waters of rivers flowing across the boundary.

ARTICLE I.

The High Contracting Parties agree that the navigation of all navigable boundary waters shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privilege of free navigation and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

It is further agreed that so long as this treaty shall remain in force, this same right of navigation shall extend to the waters of Lake Michigan and to all canals connecting boundary waters, and now existing or which may hereafter be constructed on either side of the line. Either of the High Contracting Parties may adopt rules and regulations governing the use of such canals within its own territory and may charge tolls for the use thereof, but all such rules and regulations and all tolls charged shall apply alike to the subjects or citizens of the High Contracting Parties and the ships, vessels, and boats of both of the High Contracting Parties, and they shall be placed on terms of equality in the use thereof.

ARTICLE II.

Each of the High Contracting Parties reserves to itself or to the several State Governments on the one side and the Dominion or Provincial Governments on the other as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters; but it is agreed that any interference with or diversion from their natural channel of such waters on either side of the boundary, resulting in any injury on the other side of the boundary, shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs; but this provision shall not apply to cases already existing or to cases expressly covered by special agreement between the parties hereto.

It is understood, however, that neither of the High Contracting Parties intends by the foregoing provision to surrender any right, which it may have, to object to any interference with or diversions of waters on the other side of the boundary the effect of which would be productive of material injury to the navigation interests on its own side of the boundary.

ARTICLE III.

It is agreed that, in addition to the uses, obstructions, and diversions heretofore permitted or hereafter provided for by special agree-

ment between the Parties hereto, no further or other uses or obstructions or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line, shall be made except by authority of the United States or the Dominion of Canada within their respective jurisdictions and with the approval, as hereinafter provided, of a joint commission, to be known as the International Joint Commission.

The foregoing provisions are not intended to limit or interfere with the existing rights of the Government of the United States on the one side and the Government of the Dominion of Canada on the other, to undertake and carry on governmental works in boundary waters for the deepening of channels, the construction of breakwaters, the improvement of harbors, and other governmental works for the benefit of commerce and navigation, provided that such works are wholly on its own side of the line and do not materially affect the level or flow of the boundary waters on the other, nor are such provisions intended to interfere with the ordinary use of such waters for domestic and sanitary purposes.

Article IV.

The High Contracting Parties agree that, except in cases provided for by special agreement between them, they will not permit the construction or maintenance on their respective sides of the boundary of any remedial or protective works or any dams or other obstructions in waters flowing from boundary waters or in waters at a lower level than the boundary in rivers flowing across the boundary, the effect of which is to raise the natural level of waters on the other side of the boundary unless the construction or maintenance thereof is approved by the aforesaid International Joint Commission.

It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other.

Article V.

The High Contracting Parties agree that it is expedient to limit the diversion of waters from the Niagara River so that the level of Lake Erie and the flow of the stream shall not be appreciably affected. It is the desire of both Parties to accomplish this object with the least possible injury to investments which have already been made in the construction of power plants on the United States side of the river under grants of authority from the State of New York, and on the Canadian side of the river under licenses authorized by the Dominion of Canada and the Province of Ontario.

So long as this treaty shall remain in force, no diversion of the waters of the Niagara River above the Falls from the natural course and stream thereof shall be permitted except for the purposes and to the extent hereinafter provided.

The United States may authorize and permit the diversion within the State of New York of the waters of said river above the Falls of Niagara, for power purposes, not exceeding in the aggregate a daily diversion at the rate of twenty thousand cubic feet of water per second.

The United Kingdom, by the Dominion of Canada, or the Province of Ontario, may authorize and permit the diversion within the Province of Ontario of the waters of said river above the Falls of Niagara, for power purposes, not exceeding in the aggregate a daily diversion at the rate of thirty-six thousand cubic feet of water per second.

The prohibitions of this article shall not apply to the diversion of water for sanitary or domestic purposes, or for the service of canals for the purposes of navigation.

ARTICLE VI.

The High Contracting Parties agree that the St. Mary and Milk Rivers and their tributaries (in the State of Montana and the Provinces of Alberta and Saskatchewan) are to be treated as one stream for the purposes of irrigation and power, and the waters thereof shall be apportioned equally between the two countries, but in making such equal apportionment more than half may be taken from one river and less than half from the other by either country so as to afford a more beneficial use to each. It is further agreed that in the division of such waters during the irrigation season, between the 1st of April and 31st of October, inclusive, annually, the United States is entitled to a prior appropriation of 500 cubic feet per second of the waters of the Milk River, or so much of such amount as constitutes three-fourths of its natural flow, and that Canada is entitled to a prior appropriation of 500 cubic feet per second of the flow of St. Mary River, or so much of such amount as constitutes three-fourths of its natural flow.

The channel of the Milk River in Canada may be used at the convenience of the United States for the conveyance, while passing through Canadian territory, of waters diverted from the St. Mary River. The provisions of Article II of this treaty shall apply to any injury resulting to property in Canada from the conveyance of such waters through the Milk River.

The measurement and apportionment of the water to be used by each country shall from time to time be made jointly by the properly constituted reclamation officers of the United States and the properly constituted irrigation officers of His Majesty under the direction of the International Joint Commission.

ARTICLE VII.

The High Contracting Parties agree to establish and maintain an International Joint Commission of the United States and Canada composed of six commissioners, three on the part of the United States appointed by the President thereof, and three on the part of the United Kingdom appointed by His Majesty on the recommendation of the Governor in Council of the Dominion of Canada.

ARTICLE VIII.

This International Joint Commission shall have jurisdiction over and shall pass upon all cases involving the use or obstruction or diversion of the waters with respect to which under Articles III and

IV of this treaty the approval of this Commission is required, and in passing upon such cases the Commission shall be governed by the following rules or principles which are adopted by the High Contracting Parties for this purpose:

The High Contracting Parties shall have, each on its own side of the boundary, equal and similar rights in the use of the waters hereinbefore defined as boundary waters.

The following order of precedence shall be observed among the various uses enumerated hereinafter for these waters, and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence:

(1) Uses for domestic and sanitary purposes;

(2) Uses for navigation, including the service of canals for the purposes of navigation;

(3) Uses for power and for irrigation purposes.

The foregoing provisions shall not apply to or disturb any existing uses of boundary waters on either side of the boundary.

The requirement for an equal division may in the discretion of the Commission be suspended in cases of temporary diversions along boundary waters at points where such equal division can not be made advantageously on account of local conditions, and where such diversion does not diminish elsewhere the amount available for use on the other side.

The Commission in its discretion may make its approval in any case conditional upon the construction of remedial or protective works to compensate so far as possible for the particular use or diversion proposed, and in such cases may require that suitable and adequate provision, approved by the Commission, be made for the protection and indemnity against injury of any interests on either side of the boundary.

In cases involving the elevation of the natural level of waters on either side of the line as a result of the construction or maintenance on the other side of remedial or protective works or dams or other obstructions in boundary waters or in waters flowing therefrom or in waters below the boundary in rivers flowing across the boundary, the Commission shall require, as a condition of its approval thereof, that suitable and adequate provision, approved by it, be made for the protection and indemnity of all interests on the other side of the line which may be injured thereby.

The majority of the Commissioners shall have power to render a decision. In case the Commission is evenly divided upon any question or matter presented to it for decision, separate reports shall be made by the Commissioners on each side to their own Government. The High Contracting Parties shall thereupon endeavor to agree upon an adjustment of the question or matter of difference, and if an agreement is reached between them, it shall be reduced to writing in the form of a protocol, and shall be communicated to the Commissioners, who shall take such further proceedings as may be necessary to carry out such agreement.

Article IX.

The High Contracting Parties further agree that any other questions or matters of difference arising between them involving the

rights, obligations, or interests of either in relation to the other or to the inhabitants of the other along the common frontier between the United States and the Dominion of Canada, shall be referred from time to time to the International Joint Commission for examination and report, whenever either the Government of the United States or the Government of the Dominion of Canada shall request that such questions or matters of difference be so referred.

The International Joint Commission is authorized in each case so referred to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

Such reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or the law, and shall in no way have the character of an arbitral award.

The Commission shall make a joint report to both Governments in all cases in which all or a majority of the Commissioners agree, and in case of disagreement the minority may make a joint report to both Governments, or separate reports to their respective Governments.

In case the Commission is evenly divided upon any question or matter referred to it for report, separate reports shall be made by the Commissioners on each side to their own Government.

Article X.

Any questions or matters of difference arising between the High Contracting Parties involving the rights, obligations, or interests of the United States or of the Dominion of Canada either in relation to each other or to their respective inhabitants, may be referred for decision to the International Joint Commission by the consent of the two Parties, it being understood that on the part of the United States any such action will be by and with the advice and consent of the Senate, and on the part of His Majesty's Government with the consent of the Governor General in Council. In each case so referred, the said Commission is authorized to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

A majority of the said Commission shall have power to render a decision or finding upon any of the questions or matters so referred.

If the said Commission is equally divided or otherwise unable to render a decision or finding as to any questions or matters so referred, it shall be the duty of the Commissioners to make a joint report to both Governments, or separate reports to their respective Governments, showing the different conclusions arrived at with regard to the matters or questions so referred, which questions or matters shall thereupon be referred for decision by the High Contracting parties to an umpire chosen in accordance with the procedure prescribed in the fourth, fifth, and sixth paragraphs of Article XLV of The Hague Convention for the pacific settlement of international disputes, dated October 18, 1907. Such umpire shall have power to render a final

decision with respect to those matters and questions so referred on which the Commission failed to agree.

ARTICLE XI.

A duplicate original of all decisions rendered and joint reports made by the Commission shall be transmitted to and filed with the Secretary of State of the United States and the Governor General of the Dominion of Canada, and to them shall be addressed all communications of the Commission.

ARTICLE XII.

The International Joint Commission shall meet and organize at Washington promptly after the members thereof are appointed, and when organized the Commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction by the two Governments. Each Commissioner, upon the first joint meeting of the Commission after his appointment, shall, before proceeding with the work of the Commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this treaty, and such declaration shall be entered on the records of the proceedings of the Commission.

The United States and Canadian sections of the Commission may each appoint a secretary, and these shall act as joint secretaries of the Commission at its joint sessions, and the Commission may employ engineers and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the Commission and of the secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the Commission, incurred by it, shall be paid in equal moieties by the High Contracting Parties.

The Commission shall have power to administer oaths to witnesses, and to take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this treaty, and all parties interested therein shall be given convenient opportunity to be heard, and the High Contracting Parties agree to adopt such legislation as may be appropriate and necessary to give the Commission the powers above mentioned on each side of the boundary, and to provide for the issue of subpœnas and for compelling the attendance of witnesses in proceedings before the Commission. The Commission may adopt such rules of procedure as shall be in accordance with justice and equity, and may make such examination in person and through agents or employees as may be deemed advisable.

ARTICLE XIII.

In all cases where special agreements between the High Contracting Parties hereto are referred to in the foregoing articles, such agreements are understood and intended to include not only direct agreements between the High Contracting Parties, but also any mutual arrangement between the United States and the Dominion of Canada expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of the Dominion.

ARTICLE XIV.

The present treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the treaty shall take effect on the date of the exchange of its ratifications. It shall remain in force for five years, dating from the day of exchange of ratifications, and thereafter until terminated by twelve months' written notice given by either High Contracting Party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 11th day of January, in the year of our Lord one thousand nine hundred and nine.

(Signed) ELIHU ROOT [SEAL]
(Signed) JAMES BRYCE [SEAL]

And whereas the Senate of the United States by their resolution of March 3, 1909, (two-thirds of the Senators present concurring therein) did advise and consent to the ratification of the said Treaty with the following understanding, to wit:

"Resolved further, as a part of this ratification, That the United States approves this treaty with the understanding that nothing in this treaty shall be construed as affecting, or changing, any existing territorial or riparian rights in the water, or rights of the owners of lands under water, on either side of the international boundary at the rapids of the St. Mary's river at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Mary's river, within its own territory, and further, that nothing in this treaty shall be construed to interfere with the drainage of wet swamp and overflowed lands into streams flowing into boundary waters, and that this interpretation will be mentioned in the ratification of this treaty as conveying the true meaning of the treaty, and will, in effect, form part of the treaty;"

And whereas the said understanding has been accepted by the Government of Great Britain, and the ratifications of the two Governments of the said treaty were exchanged in the City of Washington, on the 5th day of May, one thousand nine hundred and ten;

Now, therefore, be it known that I, WILLIAM HOWARD TAFT, President of the United States of America, have caused the said treaty and the said understanding, as forming a part thereof, to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this thirteenth day of May in the year of our Lord one thousand nine hundred and ten, [SEAL] and of the Independence of the United States of America the one hundred and thirty-fourth.

WM H TAFT

By the President:
P C KNOX
Secretary of State.

PROTOCOL OF EXCHANGE

On proceeding to the exchange of the ratifications of the treaty signed at Washington on January 11, 1909, between the United States and Great Britain, relating to boundary waters and questions arising along the boundary between the United States and the Dominion of Canada, the undersigned plenipotentiaries, duly authorized thereto by their respective Governments, hereby declare that nothing in this treaty shall be construed as affecting, or changing, any existing territorial, or riparian rights in the water, or rights of the owners of lands under water, on either side of the international boundary at the rapids of the St. Mary's River at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Mary's River, within its own territory; and further, that nothing in this treaty shall be construed to interfere with the drainage of wet, swamp, and overflowed lands into streams flowing into boundary waters, and also that this declaration shall be deemed to have equal force and effect as the treaty itself and to form an integral part thereto.

The exchange of ratifications then took place in the usual form.

In witness whereof, they have signed the present Protocol of Exchange and have affixed their seals thereto.

Done at Washington this 5th day of May, one thousand nine hundred and ten.

PHILANDER C KNOX [SEAL]
JAMES BRYCE [SEAL]

1910.

Treaty Concerning the Boundary Line in Passamaquoddy Bay.

Signed at Washington May 21, 1910; ratification advised by the Senate June 6, 1910; ratified by the President July 13, 1910; ratified by Great Britain June 23, 1910; ratifications exchanged at Washington August 20, 1910; proclaimed September 3, 1910.

ARTICLES.

I. Boundary through Passamaquoddy Bay.
II. Marking of boundary.
III. Right to improve and extend channel.
IV. Ratification.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous of fixing and defining the location of the international boundary line between the United States and the Dominion of Canada in Passamaquoddy Bay and to the middle of Grand Manan Channel, and of removing all causes of dispute in connection therewith, have for

that purpose resolved to conclude a Treaty, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America, Philander C. Knox, Secretary of State of the United States; and

His Britannic Majesty, the Right Honorable James Bryce, O. M., his Ambassador Extraordinary and Plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

Whereas, by Article I of the Treaty of April 11, 1908, between the United States and Great Britain, it was agreed that Commissioners should be appointed for the purpose of more accurately defining and marking the international boundary line between the United States and the Dominion of Canada in the waters of Passamaquoddy Bay from the mouth of the St. Croix River to the Bay of Fundy, the description of the location of certain portions of such line being set forth in the aforesaid Article, and it was agreed with respect to the remaining portion of the line that "each of the High Contracting Parties shall present to the other within six months after the ratification of this Treaty a full printed statement of the evidence, with certified copies of original documents referred to therein which are in its possession, and the arguments upon which it bases its contentions, with a view to arriving at an adjustment of the location of this portion of the line in accordance with the true intent and meaning of the provisions relating thereto of the treaties of 1783 and 1814 between the United States and Great Britain, and the award of the Commissioners appointed in that behalf under the Treaty of 1814; it being understood that any action by either or both Governments or their representatives authorized in that behalf or by the local governments on either side of the line, whether prior or subsequent to such treaties and award, tending to aid in the interpretation thereof, shall be taken into consideration in determining their true intent and meaning;"

And it was further agreed that if such agreement was reached between the Parties the Commissioners aforesaid should lay down and mark this portion of the boundary in accordance therewith and as provided in the said Article, but it was provided that in the event of a failure to agree within a set period, the location of such portion of the line should be determined by reference to arbitration;

And whereas, the time for reaching an agreement under the provisions of the aforesaid Article expired before such agreement was reached but the High Contracting Parties are nevertheless desirous of arriving at an adjustment of the location of this portion of the line by agreement without resort to arbitration, and have already, pursuant to the provisions above quoted of Article I of the Treaty aforesaid, presented each to the other a full printed statement of the evidence and of the arguments upon which the contentions of each are based, with a view to arriving at an adjustment of the location of the portion of the line referred to in accordance with the true intent and meaning of the provisions relating thereto in the Treaties

of 1783 and 1814 between the United States and Great Britain and the award of the Commissioners appointed in that behalf under the Treaty of 1814;

Now, therefore, upon the evidence and arguments so presented, and after taking into consideration all actions of the respective Governments and of their representatives authorized in that behalf and of the local governments on either side of the line, whether prior or subsequent to such treaties and award, tending to aid in the interpretation thereof, the High Contracting Parties hereby agree that the location of the international boundary line between the United States and the Dominion of Canada from a point in Passamaquoddy Bay accurately defined in the Treaty between the United States and Great Britain of April 11, 1908, as lying between Treat Island and Friar Head, and extending thence through Passamaquoddy Bay and to the middle of Grand Manan Channel, shall run in a series of seven connected straight lines for the distances and in the directions as follows:

Beginning at the aforesaid point lying between Treat Island and Friar Head, thence

(1) South 8° 29′ 57″ West true, for a distance of 1152.6 meters; thence

(2) South 8° 29′ 34″ East, 759.7 meters; thence

(3) South 23° 56′ 25″ East, 1156.4 meters; thence

(4) South 0° 23′ 14″ West, 1040.0 meters; thence

(5) South 28° 04′ 26″ East, 1607.2 meters; thence

(6) South 81° 48′ 45″ East, 2616.8 meters to a point on the line which runs approximately North 40° East true, and which joins Sail Rock, off West Quoddy Head Light, and the southernmost rock lying off the southeastern point of the southern extremity of Campobello Island; thence

(7) South 47° East 5100 meters to the middle of Grand Manan Channel.

The description of the last two portions of the line thus defined, viz, those numbered (6) and (7), is intended to replace the description of the lowest portion of the line, viz, that numbered (2), as defined in Article I of the Treaty of April 11, 1908.

Article II.

The location of the boundary line as defined in the foregoing Article shall be laid down and marked by the Commissioners under Article I of the aforesaid Treaty of April 11, 1908, in accordance with the provisions of such Article, and the line so defined and laid down shall be taken and deemed to be the international boundary extending between the points therein mentioned in Grand Manan Channel and Passamaquoddy Bay.

Article III.

It is further agreed by the High Contracting Parties that on either side of the hereinabove described line southward from the point of its intersection with a line drawn true north from Lubec Channel Light, as at present established, either Party shall have the right, upon two months' notice to the other, to improve and extend the channel to such depth as may by it be deemed desirable or necessary,

and to a width not exceeding one hundred and fifteen (115) meters on each side of the boundary line, and from such point of intersection northerly through Lubec Narrows to the turning point in the boundary lying between Treat Island and Friar Head, either Party shall have the right, upon two months' notice to the other, to improve and deepen the present channel to a width not exceeding sixty-five (65) meters on each side of the boundary line and to such depth as may by it be deemed desirable or necessary; it being understood, however, that each Party shall also have the right to further widen and deepen the channel anywhere on its own side of the boundary.

ARTICLE IV.

This Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof, the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 21st day of May, in the year of our Lord one thousand nine hundred and ten.

P C KNOX [SEAL]
JAMES BRYCE [SEAL]

1910.

PECUNIARY CLAIMS—AGREEMENT.

Signed at Washington August 48, 1910; ratification advised by the Senate July 19, 1911; confirmed by exchange of notes April 26, 1912.

ARTICLES.

I. Claims to be submitted.
II. Limitations.
III. Arbitral tribunal.
IV. Proceeding.
V. Procedure.
VI. Time and place of meetings.
VII. Obligations of members of tribunal.
VIII. Payment of claims.
IX. Expenses.
X. Ratification.

Whereas the United States and Great Britain are signatories of the convention of the 18th October, 1907, for the pacific settlement of international disputes, and are desirous that certain pecuniary claims outstanding between them should be referred to arbitration, as recommended by article 38 of that convention:

Now, therefore, it is agreed that such claims as are contained in the schedules drawn up as hereinafter provided shall be referred to arbitration under Chapter IV of the said convention, and subject to the following provisions:

ARTICLE 1. Either party may, at any time within four months from the date of the confirmation of this agreement, present to the other party any claims which it desires to submit to arbitration. The claims so presented shall, if agreed upon by both parties, unless reserved as hereinafter provided, be submitted to arbitration in

accordance with the provisions of this agreement. They shall be grouped in one or more schedules which, on the part of the United States, shall be agreed on by and with the advice and consent of the Senate, His Majesty's Government reserving the right before agreeing to the inclusion of any claim affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence thereto of the Government of that dominion.

Either party shall have the right to reserve for further examination any claims so presented for inclusion in the schedules; and any claims so reserved shall not be prejudiced or barred by reason of anything contained in this agreement.

ARTICLE 2. All claims outstanding between the two Governments at the date of the signature of this agreement and originating in circumstances or transactions anterior to that date, whether submitted to arbitration or not, shall thereafter be considered as finally barred unless reserved by either party for further examination as provided in article 1.

ARTICLE 3. The Arbitral Tribunal shall be constituted in accordance with article 87 (Chapter IV) and with article 59 (Chapter III) of the said convention, which are as follows:

ARTICLE 87. Each of the parties in dispute appoints an arbitrator. The two arbitrators thus selected choose an umpire. If they do not agree on this point, each of them proposes two candidates taken from the general list of the members of the Permanent Court, exclusive of the members appointed by either of the parties and not being nationals of either of them; which of the candidates thus proposed shall be the umpire is determined by lot.

The umpire presides over the tribunal, which gives its decisions by a majority of votes.

ARTICLE 59. Should one of the arbitrators either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure is followed for filling the vacancy as was followed for appointing him.

ARTICLE 4. The proceedings shall be regulated by so much of Chapter IV of the convention and of Chapter III, excepting articles 53 and 54, as the tribunal may consider to be applicable and to be consistent with the provisions of this agreement.

ARTICLE 5. The tribunal is entitled, as provided in article 74 (Chapter III) of the convention, to issue rules of procedure for the conduct of business, to decide the forms, order, and time in which each party must conclude its arguments, and to arrange all formalities required for dealing with the evidence.

The agents and counsel of the parties are authorized, as provided in article 70 (Chapter III), to present orally and in writing to the tribunal all the arguments they may consider expedient in support or in defense of each claim.

The tribunal shall keep record of the claims submitted, and the proceedings thereon, with the dates of such proceedings. Each Government may appoint a secretary. These secretaries shall act together as joint secretaries of the tribunal and shall be subject to its direction. The tribunal may appoint and employ any other necessary officer or officers to assist it in the performance of its duties.

The tribunal shall decide all claims submitted upon such evidence or information as may be furnished by either Government.

The tribunal is authorized to administer oaths to witnesses and to take evidence on oath.

The proceedings shall be in English.

ARTICLE 6. The tribunal shall meet at Washington at a date to be hereafter fixed by the two Governments, and may fix the time and place of subsequent meetings as may be convenient, subject always to special direction of the two Governments.

ARTICLE 7. Each member of the tribunal, upon assuming the function of his office, shall make and subscribe a solemn declaration in writing that he will carefully examine and impartially decide, in accordance with treaty rights and with the principles of international law and of equity, all claims presented for decision, and such declaration shall be entered upon the record of the proceedings of the tribunal.

ARTICLE 8. All sums of money which may be awarded by the tribunal on account of any claim shall be paid by the one Government to the other, as the case may be, within eighteen months after the date of the final award, without interest and without deduction, save as specified in the next article.

ARTICLE 9. Each Government shall bear its own expenses. The expenses of the tribunal shall be defrayed by a ratable deduction on the amount of the sums awarded by it, at a rate of 5 per cent. on such sums, or at such lower rate as may be agreed upon between the two Governments; the deficiency, if any, shall be defrayed in equal moieties by the two Governments.

ARTICLE 10. The present agreement, and also any schedules agreed thereunder, shall be binding only when confirmed by the two Governments by an exchange of notes.

In witness whereof this agreement has been signed and sealed by the Secretary of State of the United States, Philander C. Knox, on behalf of the United States, and by His Britannic Majesty's Ambassador at Washington, The Right Honorable James Bryce, O. M., on behalf of Great Britain.

Done in duplicate at the City of Washington, this 18th day of August, one thousand nine hundred and ten.

[SEAL.] PHILANDER C KNOX
[SEAL.] JAMES BRYCE

SCHEDULE OF CLAIMS.

FIRST SCHEDULE OF CLAIMS TO BE SUBMITTED TO ARBITRATION IN ACCORDANCE WITH THE PROVISIONS OF THE SPECIAL AGREEMENT FOR THE SUBMISSION TO ARBITRATION OF PECUNIARY CLAIMS OUTSTANDING BETWEEN THE UNITED STATES AND GREAT BRITAIN, SIGNED ON THE 18TH DAY OF AUGUST, 1910, AND THE TERMS OF SUCH SUBMISSION.

CLASS I.—Claims based on alleged denial in whole or in part of real property rights.

AMERICAN.	BRITISH.
Webster, Studer, R. E. Brown, Samuel Clark.	Cayuga Indians, Rio Grande.
Fijian Land Claims.	
Burt, Henry, Brower, Williams.	

CLASS II.—Claims based on the acts of the authorities of either Government in regard to the vessels of the nationals of the other Government, or for the alleged wrongful collection or receipt of customs duties or other charges by the authorities of either Government.

AMERICAN.

Fishing Claims.

GROUP I.

Against Newfoundland:

Cunningham & Thompson (18 vessels)—Masconomo, Arbutus, Anglo-Saxon, Quickstep, Nourmahal, Puritan, Talisman, Norma, Norumbega, Aloha, Ingomar, Jennie B. Hodgdon, Arkona, Arethusa, Independence II, S. P. Willard, Corona, Saladin.

Davis Bros. (10 vessels)—Oregon, Margaret, Theo. Roosevelt, L. M. Stanwood, Georgie Campbell, Blanche, Veda McKown, E. A. Perkins, Kearsarge, Lena & Maud.

Wm. H. Parsons (12 vessels)—Corsair, Grace L. Fears, Argo, Lizzie Griffin, Independence, Independence II, Dreadnought, Robin Hood, Helen G. Wells, Colonial, Alice M. Parsons, Mildred V. Lee.

Gorton-Pew Co. (37 vessels)—A. M. Parker, Priscilla Smith, Senator Gardner, Corsair, Vigilant, Harry A. Nickerson, Gossip, Flirt, Ella G. King, Helen G. Wells, Ramona, Massachusetts, Ellen C. Burke, J. J. Flaherty, Geo. R. Alston, Maxine Elliott, Vera, Orinoco, Miranda, Madonna, Atlanta, Gov. Russell, Mystery, Jas. A. Garfield, L. I. Lowell, Dora A. Lawson, Tattler, Alice R. Lawson, Olga, J. R. Bradley, Fannie Smith, Rob Roy, Smuggler, Essex, Athlete, Valkyria, Sceptre.

W. H. Jordan (6 vessels)—Lewis H. Giles, O. W. Holmes, The Gatherer, Hattie E. Worcester, Goldenrod, Joseph Rowe.

Orlando Merchant (16 vessels)—Avalon, Constellation, O. W. Holmes, Golden Rod, Grayling, Joseph Rowe, Harvard, Mary E. Harty, Harriet W. Babson, Richard Wainwright, Henry M. Stanley, Lewis H. Giles, Lottie G. Merchant, Oriole, Clintonia, Esperanto.

Jerome McDonald (3 vessels)—Preceptor, Gladiator, Monitor.

John Pew & Sons (5 vessels)—A. E. Whyland, Essex, Columbia, Orinoco, Scepter.

D. B. Smith & Co. (12 vessels)—Smuggler, Lucinda I. Lowell, Helen F. Whittier, Dora A. Lawson, Carrie

BRITISH.

Shipping Claims.

Coquitlam, Favourite, Wanderer, Kate, Lord Nelson, Canadienne, Eastry, Lindisfarne, Newchwang, Sidra, Maroa, Thomas F. Bayard, Jessie, Peschawa.

Canadian Claims for Refund of Hay Duties.

Peter Anderson, Charles Arpin, Nathaniel Bachelder, Magloire, G. Blain, Toussaint Bourassa, continuing partner of Bourassa and Forrester; Pierre Bourgeois, William Burland & Company, Charles S. Rowe, surviving partner; Frederick Catudal; L. N. Charlebois, heir and assignee of Denis N. Charlebois; Joseph Couture; Wilfrid Dorais, heir of Louis T. Dorais; John and Francis Ewing, John Ewing, surviving partner; Joseph Jean Baptiste Gosselin, heirs of Joseph A. Lamoureux, deceased.

W. Babson, Golden Hope, Fernwood, Sen. Gardner, Maxine Elliott, J. J. Flaherty, Tattler, Stranger.

Sylvanus Smith & Co. (7 vessels)—Lucile, Bohemia, Claudia, Arcadia, Parthia, Arabia, Sylvania.

John Chisolm (5 vessels)—Admiral Dewey, Harry G. French, Monarch, Judique, Conqueror.

Carl C. Young (3 vessels)—Dauntless, A. E. Whyland, William E. Morrissey.

Hugh Parkhurst & Co. (6 vessels)—Rival, Arthur D. Story, Patrician, Geo. Parker, Sen. Saulsbury, Diana.

A. D. Mallock (3 vessels)—Indiana, Alert, Edna Wallace Hopper.

Thomas M. Nickolson (13 vessels)—Ada S. Babson, Elizabeth N., Hiram Lowell, M. B. Stetson, A. V. S. Woodruff, T. M. Nickolson, Landseer, Edgar S. Foster, A. M. Nickolson, Wm. Matheson, Robin Hood, Annie G. Quinner, N. E. Symonds.

M. J. Palson (3 vessels)—Barge Tillid, Schooner J. K. Manning, Tug Clarita.

M. J. Dillon (1 vessel)—Edith Emery.

Russell D. Terry (1 vessel)—Centennial.

Lemuel E. Spinney (3 vessels)—American, Arbitrator, Dictator.

Wm. H. Thomas (2 vessels)—Elmer E. Gray, Thos. L. Gorton.

Frank H. Hall (3 vessels)—Ralph H. Hall, Sarah E. Lee, Faustina.

M. Walen & Son (7 vessels)—Kentucky, Effie W. Prior, Orpheus, Hattie A. Heckman, Ella M. Goodsin, Bessie N. Devine, Arthur James.

Atlantic Maritime Co. (7 vessels)—James W. Parker, Raynah, Susan & Mary, Elsie, Fannie E. Prescott, E. E. Gray, Mildred Robinson.

Waldo I. Wonson (5 vessels)—American, Mystery, Procyon, Effie M. Morrissey, Marguerite.

Edward Trevoy (1 vessel) — Edward Trevoy.

Henry Atwood (1 vessel)—Fannie B. Atwood.

Fred Thompson (1 vessel)—Elsie M. Smith.

GROUP 2.

Against Newfoundland:

Bessie M. Wells, Elector, Sarah B. Putnam, A. E. Whyland, N. B. Parker, Thomas F. Bayard, Arethusa, Harry A. Nickerson, Arkona, Edna Wallace Hopper, Athlete.

Fishing Claims.

Against Canada:

Frederick Gerring, North, D. J. Adams, R. T. Roy, Tattler, Hurricane, Argonaut, Jonas H. French.

CLASS III.—Claims based on damages to the property of either Government or its nationals, or on personal wrongs of such nationals, alleged to be due to the operations of the military or naval forces of the other Government or to the acts or negligence of the civil authorities of the other Government.

AMERICAN.

Home Missionary Society, Daniel Johnson, Union Bridge Company, Madeiros.

BRITISH.

Four Cable Companies Claims.

Cuban Submarine Telegraph Co., Eastern Extension Cable Co., Canadian Electric Light Co., Great Northwestern Telegraph Co.

"Philippine War" Claims.

Ackart, Balfour, Broxup, Cundal, Dodson, Fleming, Forbes, Fox, Fyfe, Grace, Grindrod, Hawkins, F., Hawkins, J., Hendry, Hill, Hogg, Holiday, Hong Kong Bank, Iloilo Club, Eastern Extension Telegraph Co., Higgins, W., Higgins, N. L., Hoskin & Co., Kaufman, Ker Bolton & Co., Launders, McLeod, McMeeking, Moore, Philippine Mineral Syndicate, Pohang, Pohoomul, Smith, Stevenson, Strachan, Thomson, Underwood, Warner, Zafiro, C. B. Chiene, N. L. Chiene, Parsons & Walker.

"Hawaiian" Claims.

Ashford, Bailey, Harrison, Kenyon, Levy, McDowall, Rawlins, Redward, Reynolds, Thomas.
Hardman, Wrathall, Cadenhead.

CLASS IV.—Claims based on contracts between the authorities of either Government and the nationals of the other Government.

BRITISH.

King Robert, Yukon Lumber, Hemming.

TERMS OF SUBMISSION.

1. In case of any claim being put forward by one party which is alleged by the other party to be barred by treaty, the Arbitral Tribunal shall first deal with and decide the question whether the claim is so barred, and in the event of a decision that the claim is so barred, the claim shall be disallowed.

II. The Arbitral Tribunal shall take into account as one of the equities of a claim to such extent as it shall consider just in allowing or disallowing a claim any admission of liability by the Government against whom a claim is put forward.

III. The Arbitral Tribunal shall take into account as one of the equities of a claim to such extent as it shall consider just in allowing

or disallowing a claim, in whole or in part, any failure on the part of the claimants to obtain satisfaction through legal remedies which are open to him or placed at his disposal, but no claim shall be disallowed or rejected by application of the general principle of international law that the legal remedies must be exhausted as a condition precedent to the validity of the claim.

IV. The Arbitral Tribunal, if it considers equitable, may include in its award in respect of any claim interest at a rate not exceeding 4 per cent per annum for the whole or any part of the period between the date when the claim was first brought to the notice of the other party and that of the confirmation of the schedule in which it is included.

The foregoing Schedule and Terms of Submission are agreed upon in pursuance of and subject to the provisions of the Special Agreement for the submission to arbitration of pecuniary claims outstanding between the United States and Great Britain, signed on the 18th day of August, 1910, and require confirmation by the two Governments in accordance with the provisions of that Agreement.

Signed in duplicate at the City of Washington, this sixth day of July, one thousand nine hundred and eleven, by the Secretary of State of the United States, Philander C. Knox, on behalf of the United States, and by his Britannic Majesty's Ambassador at Washington, the Right Honorable James Bryce, O. M., on behalf of Great Britain.

PHILANDER C KNOX
JAMES BRYCE

1911.[a]

FUR SEALS TREATY.

Signed at Washington February 7, 1911; ratification advised by the Senate February 15, 1911; ratified by the President March 6, 1911; ratified by Great Britain April 20, 1911; ratifications exchanged at Washington July 7, 1911; proclaimed December 14, 1911.

ARTICLES.

I. Prohibition against pelagic sealing.
II. Delivery of seal skins to agent of Canadian Government.
III. Advance payment to Great Britain.
IV. Definition of pelagic sealing.
V. Maintenance of guard or patrol.
VI. Effect; duration.
VII. Cooperation of other powers.
VIII. Ratification.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of adopting effective measures for the preservation and protection of

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[a] Superseded by the treaty of July 7, 1911. See Article XV, p. 65.

the fur seals, have resolved to conclude a treaty for that purpose and to that end have named as their Plenipotentiaries:

The President of the United States of America, Philander C. Knox, Secretary of State of the United States; and

His Britannic Majesty, the Right Hon. James Bryce, O. M., his Ambassador Extraordinary and Plenipotentiary at Washington;

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

ARTICLE I.

The High Contracting Parties mutually and reciprocally agree that their citizens and subjects, respectively, and all persons subject to their laws and treaties, and their vessels shall be prohibited while this Article remains in force from engaging in pelagic sealing in that part of the Behring Sea and North Pacific Ocean north of the thirty-fifth degree of north latitude and east of the one hundred and eightieth meridian, and that every such person or vessel offending against this prohibition may be seized and detained by the naval or other duly commissioned officers of either of the High Contracting Parties, but they shall be delivered as soon as practicable to the authorities of the nation to which they respectively belong, who alone shall have jurisdiction to try the offense and impose the penalties for the same, the witnesses and proof necessary to establish the offense being also sent with them, or otherwise furnished to the proper jurisdictional authority with all reasonable promptitude; and they agree, further, respectively, to prohibit during the same period the use of any United States or British port by any persons for any purposes whatsoever connected with the operations of pelagic sealing in said waters, and to prohibit during the same period the importation or bringing of any fur-seal skins taken in such pelagic sealing into any United States or British port, and by the necessary legislation and enforcement of appropriate penalties thereunder to make such prohibitions effective.

Such prohibitions, however, shall not apply to Indians dwelling on the coasts of the territory of the United States or of Great Britain and carrying on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled wholly by paddles, oars, or sails, and manned by not more than five persons each, in the way hitherto practiced by the Indians, without the use of firearms, provided such Indians are not in the employment of other persons, nor under contract for the delivery of the skins to any person.

ARTICLE II.

The United States agrees that one-fifth ($^1/_5$) in number and in value of the total number of sealskins taken annually upon the Pribilof Islands, or any other islands or shores of the waters above defined, subject to the jurisdiction of the United States, to which the seal herd now frequenting the Pribilof Islands hereafter resorts, shall be delivered at the end of each season to an authorized agent of the Canadian Government in the Pribilof Islands: *Provided, however*, That nothing herein contained shall restrict the right of the United

States at any time and from time to time to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner and times and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its numbers.

ARTICLE III.

It is further agreed that as soon as this Article goes into effect the United States shall pay to Great Britain the sum of two hundred thousand dollars ($200,000) as an advance payment in lieu of such number of fur-seal skins, to which Great Britain would be entitled under the provisions of this treaty, as would be equivalent to that amount reckoned at their market value at London at the date of delivery, before dressing or curing and less cost of transportation from the Pribilof Islands; such market value in case of dispute to be determined by an umpire to be agreed upon by the High Contracting Parties, which skins shall be retained by the United States in satisfaction of such payment.

The United States further agrees that Great Britain's share of the sealskins taken on the Pribilof Islands shall not be less than one thousand (1,000) in any year, even if such number is more than one-fifth of the number to which the authorized killing is restricted in such year, unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives on the islands, in which case the United States agrees to pay to Great Britain the sum of ten thousand dollars ($10,000) annually in lieu of any share of skins during the years when no killing is allowed, and Great Britain agrees that after deducting the skins of Great Britain's share which are to be retained by the United States as above provided to reimburse itself for the advance payment aforesaid, the United States shall be entitled to reimburse itself for any annual payments made as herein required, by retaining an additional number of sealskins from Great Britain's share over and above the specified minimum allowance of one thousand (1,000) skins in any subsequent year or years when killing is again resumed, until the whole number of the skins so retained shall equal, reckoned at their market value determined as above provided for, the entire amount so paid, with interest at the rate of four (4) per cent per annum.

If, however, the total number of seals frequenting the Pribilof Islands in any year falls below one hundred thousand (100,000), enumerated by official count, then all killing, excepting the inconsiderable supply necessary for the support of the natives, as above noted, may be suspended without allowance of skins or payment of money equivalent until the number of such seals again exceeds one hundred thousand (100,000), enumerated in like manner.

ARTICLE IV.

The term "pelagic sealing," as used herein, is defined to be the killing, capturing, or pursuing in any manner whatsoever of fur seals at sea, outside territorial waters.

ARTICLE V.

The High Contracting Parties agree that they will each maintain a guard or patrol in the waters of the North Pacific Ocean and Behring Sea so far as may be necessary for the enforcement of the aforesaid prohibitions.

ARTICLE VI.

The foregoing Articles shall go into effect as soon as, but not before, an international agreement is concluded and ratified by the Governments of the United States, Great Britain, Japan, and Russia, by which each of those powers shall undertake, by such stipulations as may be mutually acceptable, to prohibit for a period of not less than fifteen years, its own citizens or subjects, and all persons subject to its laws and treaties, from engaging in pelagic sealing in waters including the area defined in Article I, and effectively to enforce such prohibition.

The foregoing Articles of this treaty shall continue in force during the period of fifteen (15) years from the day on which they go into effect and thereafter until terminated by twelve (12) months' written notice given by either the United States or Great Britain to the other, which notice may be given at the expiration of fourteen years or at any time afterwards.

ARTICLE VII.

The High Contracting Parties engage to cooperate with each other in urging other powers whose subjects or citizens may be concerned in the fur-seal fisheries to forego, in virtue of appropriate arrangements, the exercise of the right of pelagic sealing, and also to prohibit the use of their ports and flag in the furtherance of pelagic sealing within the areas covered by such arrangement.

ARTICLE VIII.

This treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate and have hereunto affixed their seals.

Done at Washington the seventh day of February, in the year of our Lord one thousand nine hundred and eleven.

PHILANDER C KNOX [SEAL.]
JAMES BRYCE [SEAL.]

1911.*

CONVENTION BETWEEN THE UNITED STATES, GREAT BRITAIN, RUSSIA, AND JAPAN FOR THE PRESERVATION AND PROTECTION OF FUR SEALS, AND SUPERSEDING THE TREATY OF FEBRUARY 7, 1911. [P. 52.]

Signed at Washington July 7, 1911; ratification advised by the Senate July 24, 1911; ratified by the President November 24, 1911; ratified by Great Britain August 25, 1911; ratified by Japan November 6, 1911; ratified by Russia October 22, November 4, 1911; ratifications exchanged at Washington December 12, 1911; proclaimed December 14, 1911.

ARTICLES.

I. Prohibition relative to pelagic sealing.
II. Prohibition relative to use of ports.
III. Importation of fur seal skins.
IV. Exemption of Indians.
V. Protection of sea otters.
VI. Legislation for enforcement of treaty.
VII. Maintenance of guard or patrol.
VIII. Cooperation for the prevention of pelagic sealing.
IX. Pelagic sealing defined.
X. Distribution of seals taken by the United States.
XI. Payment by the United States.
XII. Distribution of seal skins by Russia.
XIII. Distribution of seal skins by Japan.
XIV. Distribution of seal skins by Great Britain.
XV. Treaty of February 7, 1911, superseded.
XVI. Effect; duration.
XVII. Ratification.

The United States of America, His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, His Majesty the Emperor of Japan, and His Majesty the Emperor of all the Russias, being desirous of adopting effective means for the preservation and protection of the fur seals which frequent the waters of the North Pacific Ocean, have resolved to conclude a Convention for the purpose, and to that end have named as their Plenipotentiaries;

The President of the United States of America, the Honorable Charles Nagel, Secretary of Commerce and Labor of the United States, and the Honorable Chandler P. Anderson, Counselor of the Department of State of the United States;

His Britannic Majesty, the Right Honorable James Bryce, of the Order of Merit, his Ambassador Extraordinary and Plenipotentiary at Washington, and Joseph Pope, Esquire, Commander of the Royal Victorian Order and Companion of the Order of St. Michael and St. George, Under Secretary of State of Canada for External Affairs;

His Majesty the Emperor of Japan, Baron Yasuya Uchida, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, his Ambassador Extraordinary and Plenipotentiary at Washington; and the Honorable Hitoshi Dauké, Shoshii, Third Class of the Imperial Order of the Rising Sun, Director of the Bureau of Fisheries, Department of Agriculture and Commerce;

His Majesty the Emperor of all the Russias, the Honorable Pierre Botkine, Chamberlain of His Majesty's Court, Envoy Extraordinary and Minister Plenipotentiary to Morocco, and Baron Boris Nolde, of the Foreign Office;

* For act carrying treaty into effect see U. S. Stats. vol. 37, p. 499.

Who, after having communicated to one another their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

The High Contracting Parties mutually and reciprocally agree that their citizens and subjects respectively, and all persons subject to their laws and treaties, and their vessels, shall be prohibited, while this Convention remains in force, from engaging in pelagic sealing in the waters of the North Pacific Ocean, north of the thirtieth parallel of north latitude and including the Seas of Bering, Kamchatka, Okhotsk and Japan, and that every such person and vessel offending against such prohibition may be seized, except within the territorial jurisdiction of one of the other Powers, and detained by the naval or other duly commissioned officers of any of the Parties to this Convention, to be delivered as soon as practicable to an authorized official of their own nation at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; and that the authorities of the nation to which such person or vessel belongs alone shall have jurisdiction to try the offense and impose the penalties for the same; and that the witnesses and proofs necessary to establish the offense, so far as they are under the control of any of the Parties to this Convention, shall also be furnished with all reasonable promptitude to the proper authorities having jurisdiction to try the offense.

ARTICLE II.

Each of the High Contracting Parties further agrees that no person or vessel shall be permitted to use any of its ports or harbors or any part of its territory for any purposes whatsoever connected with the operations of pelagic sealing in the waters within the protected area mentioned in Article I.

ARTICLE III.

Each of the High Contracting Parties further agrees that no sealskins taken in the waters of the North Pacific Ocean within the protected area mentioned in Acticle I, and no sealskins identified as the species known as *Callorhinus alascanus*, *Callorhinus ursinus*, and *Callorhinus kurilensis*, and belonging to the American, Russian or Japanese herds, except such as are taken under the authority of the respective Powers to which the breeding grounds of such herds belong and have been officially marked and certified as having been so taken, shall be permitted to be imported or brought into the territory of any of the Parties to this Convention.

ARTICLE IV.

It is further agreed that the provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or other aborigines dwelling on the coast of the waters mentioned in Article I, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned

by not more than five persons each, in the way hitherto practiced and without the use of firearms; provided that such aborigines are not in the employment of other persons or under contract to deliver the skins to any person.

ARTICLE V.

Each of the High Contracting Parties agrees that it will not permit its citizens or subjects or their vessels to kill, capture or pursue beyond the distance of three miles from the shore line of its territories sea otters in any part of the waters mentioned in Article I of this Convention.

ARTICLE VI.

Each of the High Contracting Parties agrees to enact and enforce such legislation as may be necessary to make effective the foregoing provisions with appropriate penalties for violations thereof.

ARTICLE VII.

It is agreed on the part of the United States, Japan, and Russia that each respectively will maintain a guard or patrol in the waters frequented by the seal herd in the protection of which it is especially interested, so far as may be necessary for the enforcement of the foregoing provisions.

ARTICLE VIII.

All of the High Contracting Parties agree to cooperate with each other in taking such measures as may be appropriate and available for the purpose of preventing pelagic sealing in the prohibited area mentioned in Article I.

ARTICLE IX.

The term pelagic sealing is hereby defined for the purposes of this Convention as meaning the killing, capturing or pursuing in any manner whatsoever of fur seals at sea.

ARTICLE X.

The United States agrees that of the total number of sealskins taken annually under the authority of the United States upon the Pribilof Islands or any other islands or shores of the waters mentioned in Article I subject to the jurisdiction of the United States to which any seal herds hereafter resort, there shall be delivered at the Pribilof Islands at the end of each season fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Canadian Government and fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of the United States at any time and from time to time to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose such restrictions and regula-

tions upon the total number of skins to be taken in any season and the manner and times and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its number.

ARTICLE XI.

The United States further agrees to pay the sum of two hundred thousand dollars ($200,000) to Great Britain and the sum of two hundred thousand dollars ($200,000) to Japan when this Convention goes into effect, as an advance payment in each case in lieu of such number of fur-seal skins to which Great Britain and Japan respectively would be entitled under the provisions of this Convention as would be equivalent in each case to two hundred thousand dollars ($200,000) reckoned at their market value at London at the date of their delivery before dressing and curing and less cost of transportation from the Pribilof Islands, such market value in case of dispute to be determined by an umpire to be agreed upon by the United States and Great Britain, or by the United States and Japan, as the case may be, which skins shall be retained by the United States in satisfaction of such payments.

The United States further agrees that the British and Japanese share respectively of the sealskins taken from the American herd under the terms of this Convention shall be not less than one thousand (1,000) each in any year even if such number is more than fifteen per cent (15%) of the number to which the authorized killing is restricted in such year, unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives on the islands, in which case the United States agrees to pay to Great Britain and to Japan each the sum of ten thousand dollars ($10,000) annually in lieu of any share of skins during the years when no killing is allowed; and Great Britain agrees, and Japan agrees, that after deducting the skins of their respective shares, which are to be retained by the United States as above provided to reimburse itself for the advance payment aforesaid, the United States shall be entitled to reimburse itself for any annual payments made as herein required, by retaining an additional number of sealskins from the British and Japanese shares respectively over and above the specified minimum allowance of one thousand (1,000) skins in any subsequent year or years when killing is again resumed, until the whole number of skins retained shall equal, reckoned at their market value determined as above provided for, the entire amount so paid, with interest at the rate of four per cent (4%) per annum.

If, however, the total number of seals frequenting the United States islands in any year falls below one hundred thousand (100,000), enumerated by official count, then all killing, excepting the inconsiderable supply necessary for the support of the natives as above noted, may be suspended without allowance of skins or payment of money equivalent until the number of such seals again exceeds one hundred thousand (100,000), enumerated in like manner.

ARTICLE XII.

It is agreed on the part of Russia that of the total number of sealskins taken annually upon the Commander Islands, or any other

island or shores of the waters defined in Article I subject to the jurisdiction of Russia to which any seal herds hereafter resort, there shall be delivered at the Commander Islands at the end of each season fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Canadian Government, and fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of Russia at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Russian seal herd, or to increase its number; but it is agreed, nevertheless, on the part of Russia that during the last ten years of the term of this Convention not less than five per cent (5%) of the total number of seals on the Russian rookeries and hauling grounds will be killed annually, provided that said five per cent (5%) does not exceed eighty-five per cent (85%) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Russian islands in any year falls below eighteen thousand (18,000) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds eighteen thousand (18,000) enumerated in like manner.

ARTICLE XIII.

It is agreed on the part of Japan that of the total number of sealskins taken annually upon Robben Island, or any other islands or shores of the waters defined in Article I subject to the jurisdiction of Japan to which any seal herd hereafter resort, there shall be delivered at Robben Island at the end of each season ten per cent (10%) gross in number and value thereof to an authorized agent of the United States Government, ten per cent (10%) gross in number and value thereof to an authorized agent of the Canadian Government, and ten per cent (10%) gross in number and value thereof to an authorized agent of the Russian Government; provided, however, that nothing herein contained shall restrict the right of Japan at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Japanese herd, or to increase its number; but it is agreed, nevertheless, on the part of Japan that during the last ten years of the term of this Convention not less than five per cent (5%) of the total number of seals on the Japanese rookeries and hauling grounds will be killed annually, provided that said five per cent (5%) does not exceed eighty-five per cent (85%) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Japanese islands in any year falls below six thousand five hundred (6,500) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds six thousand five hundred (6,500) enumerated in like manner.

ARTICLE XIV.

It is agreed on the part of Great Britain that in case any seal herd hereafter resorts to any islands or shores of the waters defined in Article I subject to the jurisdiction of Great Britain, there shall be delivered at the end of each season during the term of this Convention ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the United States Government, ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the Japanese Government, and ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the Russian Government.

ARTICLE XV.[a]

It is further agreed between the United States and Great Britain that the provisions of this Convention shall supersede, in so far as they are inconsistent therewith or in duplication thereof, the provisions of the treaty relating to the fur seals, entered into between the United States and Great Britain on the 7th day of February, 1911.

ARTICLE XVI.

This Convention shall go into effect upon the 15th day of December, 1911, and shall continue in force for a period of fifteen (15) years from that date, and thereafter until terminated by twelve (12) months' written notice given by one or more of the Parties to all of the others, which notice may be given at the expiration of fourteen years or at any time afterwards, and it is agreed that at any time prior to the termination of this Convention, upon the request of any one of the High Contracting Parties, a conference shall be held forthwith between representatives of all the Parties hereto, to consider and if possible agree upon a further extension of this Convention with such additions and modifications, if any, as may be found desirable.

ARTICLE XVII.

This Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, by His Britannic Majesty, by His Majesty the Emperor of Japan, and by His Majesty the Emperor of all the Russias; and ratifications shall be exchanged at Washington as soon as practicable.

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[a] See page 56.

In faith whereof, the respective Plenipotentiaries have signed this Convention in quadruplicate and have hereunto affixed their seals.

Done at Washington the 7th day of July, in the year one thousand nine hundred and eleven.

Charles Nagel	[seal]
Chandler P. Anderson	[seal]
James Bryce	[seal]
Joseph Pope	[seal]
Y. Uchida	[seal]
H. Dauke	[seal]
P. Botkine	[seal]
Nolde	[seal]

1912.

Agreement With Great Britain Adopting, With Certain Modifications, the Rules and Method of Procedure Recommended in the Award of September 7, 1910, of the North Atlantic Coast Fisheries Arbitration.

Signed at Washington July 20, 1912; ratification advised by the Senate August 1, 1912; ratified by the President August 7, 1912; ratified by Great Britain August 19, 1912; ratifications exchanged at Washington November 15, 1912; proclaimed November 16, 1912.

Articles.

I. Rules and method of procedure.
II. Award of The Hague Arbitration Tribunal.
III. Delimitation of the bays on coast of Newfoundland.
IV. Ratification.

By the President of the United States of America.

A PROCLAMATION.

Whereas an Agreement between the United States of America and Great Britain, adopting with certain modifications therein, the rules and method of procedure recommended in the award of The Hague tribunal of September 7, 1910, for the settlement hereafter, in accordance with the principles laid down in the award, of questions regarding the exercise of the fishing liberties referred to in Article I of the treaty of October 20, 1818, between the United States and Great Britain, was concluded and signed by their respective Plenipotentiaries at Washington on the twentieth day of July, one thousand nine hundred and twelve, the original of which Agreement is word for word as follows:

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being desirous of concluding an agreement regarding the exercise of the liberties referred to in Article I of the Treaty of October 20, 1818, have for this purpose named as their Plenipotentiaries:

The President of the United States of America: Chandler P. Anderson, Counselor for the Department of State of the United States;

His Britannic Majesty: Alfred Mitchell Innes, Chargé d'Affaires of His Majesty's Embassy at Washington;

Who, having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following articles:

ARTICLE I.

Whereas the award of the Hague Tribunal of September 7, 1910, recommended for the consideration of the Parties certain rules and a method of procedure under which all questions which may arise in the future regarding the exercise of the liberties referred to in Article I of the Treaty of October 20, 1818, may be determined in accordance with the principles laid down in the award, and the Parties having agreed to make certain modifications therein, the rules and method of procedure so modified are hereby accepted by the Parties in the following form:

1. All future municipal laws, ordinances, or rules for the regulation of the fisheries by Great Britain, Canada, or Newfoundland in respect of (1) the hours, days, or seasons when fish may be taken on the treaty coasts; (2) the method, means, and implements used in the taking of fish or in carrying on fishing operations; (3) any other regulations of a similar character; and all alterations or amendments of such laws, ordinances, or rules shall be promulgated and come into operation within the first fifteen days of November in each year; provided, however, in so far as any such law, ordinance, or rule shall apply to a fishery conducted between the 1st day of November and the 1st day of February, the same shall be promulgated at least six months before the 1st day of November in each year.

Such laws, ordinances, or rules by Great Britain shall be promulgated by publication in the London Gazette, by Canada in the Canada Gazette, and by Newfoundland in the Newfoundland Gazette.

After the expiration of ten years from the date of this Agreement, and so on at intervals of ten years thereafter, either Party may propose to the other that the dates fixed for promulgation be revised in consequence of the varying conditions due to changes in the habits of the fish or other natural causes; and if there shall be a difference of opinion as to whether the conditions have so varied as to render a revision desirable, such difference shall be referred for decision to a commission possessing expert knowledge, such as the Permanent Mixed Fishery Commission hereinafter mentioned.

2. If the Government of the United States considers any such laws or regulations inconsistent with the Treaty of 1818, it is entitled so to notify the Government of Great Britain within forty-five days after the publication above referred to, and may require that the same be submitted to and their reasonableness, within the meaning of the award, be determined by the Permanent Mixed Fishery Commission constituted as hereinafter provided.

3. Any law or regulation not so notified within the said period of forty-five days, or which, having been so notified, has been declared reasonable and consistent with the Treaty of 1818 (as interpreted by

the said award) by the Permanent Mixed Fishery Commission, shall be held to be reasonable within the meaning of the award; but if declared by the said Commission to be unreasonable and inconsistent with the Treaty of 1818, it shall not be applicable to the inhabitants of the United States exercising their fishing liberties under the Treaty of 1818.

4. Permanent Mixed Fishery Commissions for Canada and Newfoundland, respectively, shall be established for the decision of such questions as to the reasonableness of future regulations, as contemplated by Article IV of the Special Agreement of January 27, 1909. These Commissions shall consist of an expert national, appointed by each Party for five years; the third member shall not be a national of either Party. He shall be nominated for five years by agreement of the Parties, or, failing such agreement, within two months from the date, when either of the Parties to this Agreement shall call upon the other to agree upon such third member, he shall be nominated by Her Majesty the Queen of the Netherlands.

5. The two national members shall be summoned by the Government of Great Britain, and shall convene within thirty days from the date of notification by the Government of the United States. These two members having failed to agree on any or all of the questions submitted within thirty days after they have convened, or having before the expiration of that period notified the Government of Great Britain that they are unable to agree, the full Commission, under the presidency of the Umpire, is to be summoned by the Government of Great Britain, and shall convene within thirty days thereafter to decide all questions upon which the two national members had disagreed. The Commission must deliver its decision, if the two Governments do not agree otherwise, within forty-five days after it has convened. The Umpire shall conduct the procedure in accordance with that provided in Chapter IV of the Convention for the Pacific Settlement of International Disputes, of October 18, 1907, except in so far as herein otherwise provided.

6. The form of convocation of the Commission, including the terms of reference of the question at issue, shall be as follows:

"The provision hereinafter fully set forth of an act dated ------, published in the ------ Gazette, has been notified to the Government of Great Britain by the Government of the United States under date of ------, as provided by the agreement entered into on July 20, 1912, pursuant to the award of the Hague Tribunal of September 7, 1910.

"Pursuant to the provisions of that Agreement the Government of Great Britain hereby summons the Permanent Mixed Fishery Commission for

(Canada) / (Newfoundland) composed of ------- Commissioner for the United States of America, and of ------ Commissioner for (Canada) / (Newfoundland)

who shall meet at Halifax, Nova Scotia, with power to hold subsequent meetings at such other place or places as they may determine, and render a decision within thirty days as to whether the provision so notified is reasonable and consistent with the Treaty of 1818, as interpreted by the award of the Hague Tribunal of September 7,

1910, and if not, in what respect it is unreasonable and inconsistent therewith.

"Failing an agreement on this question within thirty days, the Commission shall so notify the Government of Great Britain in order that the further action required by that award shall be taken for the decision of the above question.

"The provision is as follows _____"

7. The unanimous decision of the two national Commissioners, or the majority decision of the Umpire and one Commissioner, shall be final and binding.

8. Any difference in regard to the regulations specified in Protocol XXX of the arbitration proceedings, which shall not have been disposed of by diplomatic methods, shall be referred not to the Commission of expert specialists mentioned in the award but to the Permanent Mixed Fishery Commissions, to be constituted as hereinbefore provided, in the same manner as a difference in regard to future regulations would be so referred.

ARTICLE II.

And whereas the Tribunal of Arbitration in its award decided that—

"In case of bays the 3 marine miles are to be measured from a straight line drawn across the body of water at the place where it ceases to have the configuration and characteristics of a bay. At all other places the 3 marine miles are to be measured following the sinuosities of the coast."

And whereas the Tribunal made certain recommendations for the determination of the limits of the bays enumerated in the award;

Now, therefore, it is agreed that the recommendations, in so far as the same relate to bays contiguous to the territory of the Dominion of Canada, to which Question V of the Special Agreement is applicable, are hereby adopted, to wit:

"In every bay not hereinafter specifically provided for, the limits of exclusion shall be drawn three miles seaward from a straight line across the bay in the part nearest the entrance at the first point where the width does not exceed ten miles.

"For the Baie des Chaleurs the limits of exclusion shall be drawn from the line from the Light at Birch Point on Miscou Island to Macquereau Point Light; for the bay of Miramichi, the line from the Light at Point Escuminac to the Light on the eastern point of Tabisintac Gully; for Egmont Bay, in Prince Edward Island, the line from the Light at Cape Egmont to the Light at West Point; and off St. Ann's Bay, in the Province of Nova Scotia, the line from the Light at Point Anconi to the nearest point on the opposite shore of the mainland.

"For or near the following bays the limits of exclusion shall be three marine miles seawards from the following lines, namely:

"For or near Barrington Bay, in Nova Scotia, the line from the Light on Stoddard Island to the Light on the south point of Cape Sable, thence to the Light at Baccaro Point; at Chedabucto and St. Peter's Bays, the line from Cranberry Island Light to Green Island Light, thence to Point Rouge; for Mira Bay, the line from the Light

on the east point of Scatary Island to the northeasterly point of Cape Morien.

"Long Island and Bryer Island, on St. Mary's Bay, in Nova Scotia, shall, for the purpose of delimitation, be taken as the coasts of such bays."

It is understood that the award does not cover Hudson Bay.

ARTICLE III.

It is further agreed that the delimitation of all or any of the bays on the coast of Newfoundland, whether mentioned in the recommendations or not, does not require consideration at present.

ARTICLE IV.

The present Agreement shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty, and the ratifications shall be exchanged in Washington as soon as practicable.

In faith whereof the respective Plenipotentiaries have signed this Agreement in duplicate and have hereunto affixed their seals.

Done at Washington on the 20th day of July, one thousand nine hundred and twelve.

CHANDLER P. ANDERSON [SEAL.]
ALFRED MITCHELL INNES [SEAL.]

HONDURAS.

1909.

EXTRADITION CONVENTION.

Signed at Washington January 15, 1909; ratification advised by the Senate January 20, 1909; ratified by the President March 1, 1909; ratified by Honduras May 20, 1912; ratifications exchanged at Washington July 10, 1912; proclaimed July 10, 1912.

ARTICLES.

I. Delivery of accused.
II. Extraditable offenses.
III. Political offenses.
IV. Offense for which to be tried.
V. Limitations.
VI. Deferring extradition.
VII. Claimed by other countries.
VIII. Nondelivery of citizens.
IX. Expenses.
X. Property in possession of accused.
XI. Procedure.
XII. Provisional detention.
XIII. Assistance of legal officers.
XIV. Effect; termination; ratification.

The United States of America and the Republic of Honduras, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a treaty for the extradition of fugitives from justice between the United States of America and the Republic of Honduras, and have appointed for that purpose the following Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States; and

The President of the Republic of Honduras, Doctor Luis Lazo A., Envoy Extraordinary and Minister Plenipotentiary of Honduras to the United States;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

It is agreed that the Government of the United States and the Government of Honduras shall, upon mutual requisition duly made as herein provided, deliver up to justice any person who may be charged with or may have been convicted of any of the crimes specified in Article II of this Convention committed within the jurisdiction of one of the Contracting Parties while said person was actually within such jurisdiction when the crime was committed, and who shall seek an asylum or shall be found within the territories of the other, provided that such surrender shall take place only upon such

evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

ARTICLE II.

Persons shall be delivered up according to the provisions of this Convention, who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms of parricide, assassination, manslaughter, when voluntary; poisoning or infanticide.

2. The attempt to commit murder.

3. Rape, abortion, carnal knowledge of children under the age of twelve years.

4. Bigamy.

5. Arson.

6. Willful and unlawful destruction or obstruction of railroads, which endangers human life.

7. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the law of nations, or by statute;

(b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud or violence taking possession of such vessel;

(d) Assault on board ships upon the high seas with intent to do bodily harm.

8. Burglary, defined to be the act of breaking into and entering the house of another in the nighttime with intent to commit a felony therein.

9. The act of breaking into and entering into the offices of the Government and public authorities, or the offices of banks, banking houses, saving banks, trust companies, insurance companies, or other buildings not dwellings with intent to commit a felony therein.

10. Robbery, defined to be the act of feloniously and forcibly taking from the person of another, goods or money by violence or by putting him in fear.

11. Forgery or the utterance of forged papers.

12. The forgery or falsification of the official acts of the Government or public authority, including courts of justice, or the uttering or fraudulent use of the same.

13. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by national, state, provincial, territorial, local, or municipal governments, banknotes or other instruments of public credit, counterfeit seals, stamps, dies, and marks of state or public administrations, and the utterance, circulation, or fraudulent use of the above mentioned objects.

14. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars (or Honduran equivalent).

15. Embezzlement by any person or persons hired, salaried, or employed, to the detriment of their employers or principals, when the crime or offense is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars (or Honduran equivalent).

16. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them or their families, or for any other unlawful end.

17. Larceny, defined to be the theft of effects, personal property, or money, of the value of twenty-five dollars or more.

18. Obtaining money, valuable securities or other property by false pretenses or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars (or Honduran equivalent).

19. Perjury or subornation of perjury.

20. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director, or officer of any company or corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars (or Honduran equivalent).

21. The extradition is also to take place for participation in any of the aforesaid crimes as an accessory before or after the fact, provided such participation be punishable by imprisonment by the laws of both Contracting Parties.

Article III.

The provisions of this Convention shall not import claim of extradition for any crime or offense of a political character, nor for acts connected with such crimes or offenses; and no person surrendered by or to either of the Contracting Parties in virtue of this Convention shall be tried or punished for a political crime or offense. When the offense charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offense was committed or attempted against the life of the sovereign or head of a foreign state or against the life of any member of his family, shall not be deemed sufficient to sustain that such a crime or offense was of a political character, or was an act connected with crimes or offenses of a political character.

Article IV.

No person shall be tried for any crime or offense other than that for which he was surrendered.

Article V.

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offense for which the surrender is asked.

ARTICLE VI.

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution out on bail or in custody, for a crime or offense committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and until he shall have been set at liberty in due course of law.

ARTICLE VII.

If a fugitive criminal claimed by one of the parties hereto shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that state whose demand is first received.

ARTICLE VIII.

Under the stipulations of this Convention, neither of the Contracting Parties shall be bound to deliver up its own citizens.

ARTICLE IX.

The expense of the arrest, detention, examination, and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

ARTICLE X.

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offense, or which may be material as evidence in making proof of the crime, shall, so far as practicable, according to the laws of either of the Contracting Parties, be delivered up with his person at the time of the surrender. Nevertheless, the rights of a third party with regard to the articles aforesaid shall be duly respected.

ARTICLE XI.

The stipulations of this Convention shall be applicable to all territory wherever situated, belonging to either of the Contracting Parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the Contracting Parties. In the event of the absence of such agents from the country or its seat of government, or where extradition is sought from territory included in the preceding paragraph other than the United States, requisition may be made by superior consular officers.

It shall be competent for such diplomatic or superior consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant

for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be produced, with such other evidence or proof as may be deemed competent in the case.

Article XII.

If when a person accused shall have been arrested in virtue of the mandate or preliminary warrant of arrest, issued by the competent authority as provided in Article XI hereof, and been brought before a judge or a magistrate to the end that the evidence of his or her guilt may be heard and examined as hereinbefore provided, it shall appear that the mandate or preliminary warrant of arrest has been issued in pursuance of a request or declaration received by telegraph from the Government asking for the extradition, it shall be competent for the judge or magistrate at his discretion to hold the accused for a period not exceeding two months, so that the demanding Government may have opportunity to lay before such judge or magistrate legal evidence of the guilt of the accused, and if at the expiration of said period of two months such legal evidence shall not have been produced before such judge or magistrate, the person arrested shall be released, provided that the examination of the charges preferred against such accused person shall not be actually going on.

Article XIII.

In every case of a request made by either of the two Contracting Parties for the arrest, detention, or extradition of fugitive criminals, the legal officers or fiscal ministry of the country where the proceedings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition, provided, however, that any officer or officers of the surrending Government so giving assistance who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIV.

This Convention shall take effect from the day of the exchange of the ratifications thereof; but either Contracting Party may at any time terminate the same on giving to the other six months' notice of its intention to do so.

The ratifications of the present Convention shall be exchanged at Washington as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the above articles, and have hereunto affixed their seals.

Done in duplicate, at the city of Washington, this 15th day of January, one thousand nine hundred and nine.

ELIHU ROOT [SEAL.]
LUIS LAZO A. [SEAL.]

JAPAN.

1911.

COMMERCE AND NAVIGATION. SUPERSEDING THE TREATY OF NOVEMBER 22, 1894. [VOL. 1, 1028.]

Signed at Washington February 21, 1911; ratification advised by the Senate, with amendment, February 24, 1911; ratified by the President March 2, 1911; ratified by Japan March 31, 1911; ratifications exchanged at Tokyo April 4, 1911; proclaimed April 5, 1911.

ARTICLES.

I. Mutual freedom of trade, travel, etc.; taxes, and exemptions from military service.
II. Inviolability of dwellings, etc.
III. Consular officers.
IV. Reciprocal freedom of commerce and navigation.
V. Import and export duties.
VI. Transit dues.
VII. Corporations.
VIII. Equality of shipping.
IX. Privileges respecting stationing, loading, etc., vessels.
X. Nationality of vessels.
XI. Tonnage, etc., dues.
XII. Vessels in postal service.
XIII. Coasting trade.
XIV. Favored-nation privilege.
XV. Patents, trade-marks, and designs.
XVI. Treaty of 1894 superseded.
XVII. Effect; duration.
XVIII. Ratification.

The President of the United States of America and His Majesty the Emperor of Japan, being desirous to strengthen the relations of amity and good understanding which happily exist between the two nations, and believing that the fixation in a manner clear and positive of the rules which are hereafter to govern the commercial intercourse between their respective countries will contribute to the realization of this most desirable result, have resolved to conclude a Treaty of Commerce and Navigation for that purpose, and to that end have named their Plenipotentiaries, that is to say:

The President of the United States of America, Philander C. Knox, Secretary of State of the United States; and

His Majesty the Emperor of Japan, Baron Yasuya Uchida, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States of America;

Who, after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon the following articles:

ARTICLE I.

The citizens or subjects of each of the High Contracting Parties shall have liberty to enter, travel and reside in the territories of the

other to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established.

They shall not be compelled, under any pretext whatever, to pay any charges or taxes other or higher than those that are or may be paid by native citizens or subjects.

The citizens or subjects of each of the High Contracting Parties shall receive, in the territories of the other, the most constant protection and security for their persons and property, and shall enjoy in this respect the same rights and privileges as are or may be granted to native citizens or subjects, on their submitting themselves to the conditions imposed upon the native citizens or subjects.

They shall, however, be exempt in the territories of the other from compulsory military service either on land or sea, in the regular forces, or in the national guard, or in the militia; from all contributions imposed in lieu of personal service, and from all forced loans or military exactions or contributions.

Article II.

The dwellings, warehouses, manufactories and shops of the citizens or subjects of each of the High Contracting Parties in the territories of the other, and all premises appertaining thereto used for purposes of residence or commerce, shall be respected. It shall not be allowable to proceed to make a domiciliary visit to, or a search of, any such buildings and premises, or to examine or inspect books, papers or accounts, except under the conditions and with the forms prescribed by the laws, ordinances and regulations for nationals.

Article III.

Each of the High Contracting Parties may appoint Consuls General, Consuls, Vice Consuls, Deputy Consuls and Consular Agents in all ports, cities and places of the other, except in those where it may not be convenient to recognize such officers. This exception, however, shall not be made in regard to one of the Contracting Parties without being made likewise in regard to all other Powers.

Such Consuls General, Consuls, Vice Consuls, Deputy Consuls and Consular Agents, having received exequaturs or other sufficient authorizations from the Government of the country to which they are appointed, shall, on condition of reciprocity, have the right to exercise the functions and to enjoy the exemptions and immunities which are or may hereafter be granted to the consular officers of the same rank of the most favored nation. The Government issuing exequaturs or other authorizations may in its discretion cancel the same on communicating the reasons for which it thought proper to do so.

Article IV.

There shall be between the territories of the two High Contracting Parties reciprocal freedom of commerce and navigation. The citizens

or subjects of each of the Contracting Parties, equally with the citizens or subjects of the most favored nation, shall have liberty freely to come with their ships and cargoes to all places, ports and rivers in the territories of the other which are or may be opened to foreign commerce, subject always to the laws of the country to which they thus come.

ARTICLE V.

The import duties on articles, the produce or manufacture of the territories of one of the High Contracting Parties, upon importation into the territories of the other, shall henceforth be regulated either by treaty between the two countries or by the internal legislation of each.

Neither Contracting Party shall impose any other or higher duties or charges on the exportation of any article to the territories of the other than are or may be payable on the exportation of the like article to any other foreign country.

Nor shall any prohibition be imposed by either country on the importation or exportation of any article from or to the territories of the other which shall not equally extend to the like article imported from or exported to any other country. The last provision is not, however, applicable to prohibitions or restrictions maintained or imposed as sanitary measures or for purposes of protecting animals and useful plants.

ARTICLE VI.

The citizens or subjects of each of the High Contracting Parties shall enjoy in the territories of the other exemption from all transit duties and a perfect equality of treatment with native citizens or subjects in all that relates to warehousing, bounties, facilities and drawbacks.

ARTICLE VII.

Limited-liability and other companies and associations, commercial, industrial, and financial, already or hereafter to be organized in accordance with the laws of either High Contracting Party and domiciled in the territories of such Party, are authorized, in the territories of the other, to exercise their rights and appear in the courts either as plaintiffs or defendants, subject to the laws of such other Party.

The foregoing stipulation has no bearing upon the question whether a company or association organized in one of the two countries will or will not be permitted to transact its business or industry in the other, this permission remaining always subject to the laws and regulations enacted or established in the respective countries or in any part thereof.

ARTICLE VIII.

All articles which are or may be legally imported into the ports of either High Contracting Party from foreign countries in national vessels may likewise be imported into those ports in vessels of the other Contracting Party, without being liable to any other or higher duties or charges of whatever denomination than if such articles

were imported in national vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other foreign place.

In the same manner, there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid, and the same bounties and drawbacks allowed, in the territories of each of the Contracting Parties on the exportation of any article which is or may be legally exported therefrom, whether such exportation shall take place in vessels of the United States or in Japanese vessels, and whatever may be the place of destination, whether a port of the other Party or of any third Power.

ARTICLE IX.

In all that regards the stationing, loading and unloading of vessels in the ports of the territories of the High Contracting Parties, no privileges shall be granted by either Party to national vessels which are not equally, in like cases, granted to the vessels of the other country; the intention of the Contracting Parties being that in these respects the respective vessels shall be treated on the footing of perfect equality.

ARTICLE X.

Merchant vessels navigating under the flag of the United States or that of Japan and carrying the papers required by their national laws to prove their nationality shall in Japan and in the United States be deemed to be vessels of the United States or of Japan, respectively.

ARTICLE XI.

No duties of tonnage, harbor, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever denomination, levied in the name or for the profit of Government, public functionaries, private individuals, corporations or establishments of any kind shall be imposed in the ports of the territories of either country upon the vessels of the other, which shall not equally, under the same conditions, be imposed on national vessels in general, or on vessels of the most favored nation. Such equality of treatment shall apply reciprocally to the respective vessels from whatever place they may arrive and whatever may be their place of destination.

ARTICLE XII.

Vessels charged with performance of regular scheduled postal service of one of the High Contracting Parties, whether belonging to the State or subsidized by it for the purpose, shall enjoy, in the ports of the territories of the other, the same facilities, privileges and immunities as are granted to like vessels of the most favored nation.

ARTICLE XIII.

The coasting trade of the High Contracting Parties is excepted from the provisions of the present Treaty and shall be regulated according to the laws of the United States and Japan, respectively.

It is, however, understood that the citizens or subjects of either Contracting Party shall enjoy in this respect most-favored-nation treatment in the territories of the other.

A vessel of one of the Contracting Parties, laden in a foreign country with cargo destined for two or more ports of entry in the territories of the other, may discharge a portion of her cargo at one of the said ports, and, continuing her voyage to the other port or ports of destination, there discharge the remainder of her cargo, subject always to the laws, tariffs and customs regulations of the country of destination; and, in like manner and under the same reservation, the vessels of one of the Contracting Parties shall be permitted to load at several ports of the other for the same outward voyages.

ARTICLE XIV.

Except as otherwise expressly provided in this Treaty, the High Contracting Parties agree that, in all that concerns commerce and navigation, any privilege, favor or immunity which either Contracting Party has actually granted, or may hereafter grant, to the citizens or subjects of any other State shall be extended to the citizens or subjects of the other Contracting Party gratuitously, if the concession in favor of that other State shall have been gratuitous, and on the same or equivalent conditions, if the concession shall have been conditional.

ARTICLE XV.

The citizens or subjects of each of the High Contracting Parties shall enjoy in the territories of the other the same protection as native citizens or subjects in regard to patents, trade-marks and designs, upon fulfillment of the formalities prescribed by law.

ARTICLE XVI.

The present Treaty shall, from the date on which it enters into operation, supersede the Treaty of Commerce and Navigation dated the 22nd day of November, 1894; and from the same date the last-named Treaty shall cease to be binding.

ARTICLE XVII.

The present Treaty shall enter into operation on the 17th of July, 1911, and shall remain in force twelve years or until the expiration of six months from the date on which either of the Contracting Parties shall have given notice to the other of its intention to terminate the Treaty.

In case neither of the Contracting Parties shall have given notice to the other six months before the expiration of the said period of twelve years of its intention to terminate the Treaty, it shall continue operative until the expiration of six months from the date on which either Party shall have given such notice.

ARTICLE XVIII.

The present Treaty shall be ratified and the ratifications thereof shall be exchanged at Tokyo as soon as possible and not later than three months from the present date.

In witness whereof, the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the 21st day of February, in the nineteen hundred and eleventh year of the Christian era, corresponding to the 21st day of the 2nd month of the 44th year of Meiji.

PHILANDER C KNOX [SEAL]
Y. UCHIDA [SEAL]

And whereas, the advice and consent of the Senate of the United States to the ratification of the said Treaty was given with the understanding " that the treaty shall not be deemed to repeal or affect any of the provisions of the Act of Congress entitled 'An Act to Regulate the Immigration of Aliens into the United States,' approved February 20th 1907; "

And whereas, the said understanding has been accepted by the Government of Japan;

And whereas, the said Treaty, as amended by the Senate of the United States, has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the City of Tokyo, on the fourth day of April, one thousand nine hundred and eleven;

Now, therefore, be it known that I, WILLIAM HOWARD TAFT, President of the United States of America, have caused the said Treaty, as amended, and the said understanding to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this fifth day of April in the year of our Lord one thousand nine hundred and eleven, and of [SEAL.] the Independence of the United States of America the one hundred and thirty-fifth.

WM H TAFT

By the President:
P C KNOX
Secretary of State.

DECLARATION.

In proceeding this day to the signature of the Treaty of Commerce and Navigation betwen Japan and the United States the undersigned, Japanese Ambassador in Washington, duly authorized by his Government has the honor to declare that the Imperial Japanese Government are fully prepared to maintain with equal effectiveness the limitation and control which they have for the past three years exercised in regulation of the emigration of laborers to the United States.

Y. UCHIDA

FEBRUARY 21, 1911.

By the President of the United States of America.

A PROCLAMATION.

Whereas a Protocol of a provisional tariff arrangement between the United States of America and the Empire of Japan was concluded and signed by their respective Plenipotentiaries at Washington, on the twenty-first day of February, one thousand nine hundred and eleven, the original of which Protocol, being in the English language is, as amended by the Senate of the United States, word for word as follows:

PROTOCOL.

The Government of the United States of America and the Government of Japan have, through their respective Plenipotentiaries, agreed upon the following stipulation in regard to Article V of the Treaty of Commerce and Navigation between the United States and Japan signed this day to replace on the 17th of July, 1911, the Treaty of the 22nd of November, 1894:

Pending the conclusion of a treaty relating to tariff. the provisions relating to tariff in the Treaty of the 22nd of November, 1894, shall be maintained.

In witness whereof, the respective Plenipotentiaries have signed this Protocol in duplicate and have hereunto affixed their seals.

Done at Washington the 21st day of February, in the nineteen hundred and eleventh year of the Christian era, corresponding to the 21st day of the 2nd month of the 44th year of Meiji.

[SEAL] Philander C Knox
[SEAL] Y. Uchida

And whereas, the said Protocol, as amended by the Senate of the United States, has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Tokyo, on the fourth day of April, one thousand nine hundred and eleven;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said Protocol to be made public, to the end that the same and every article and clause thereof. as amended, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this fifth day of April in the year of our Lord one thousand nine hundred and eleven.
[SEAL] and of the Independence of the United States of America the one hundred and thirty-fifth.

Wm H Taft

By the President:
P C Knox
Secretary of State.

1911.[a]

CONVENTION BETWEEN THE UNITED STATES, GREAT BRITAIN, RUSSIA, AND JAPAN FOR THE PRESERVATION AND PROTECTION OF FUR SEALS, AND SUPERSEDING THE TREATY OF FEBRUARY 7, 1911.[b]

Signed at Washington July 7, 1911; ratification advised by the Senate July 24, 1911; ratified by the President November 24, 1911; ratified by Great Britain August 25, 1911; ratified by Japan November 6, 1911; ratified by Russia October 22, 1911, November 4, 1911; ratifications exchanged at Washington December 12, 1911; proclaimed December 14, 1911.

ARTICLES.

I. Prohibition relative to pelagic sealing.
II. Prohibition relative to use of ports.
III. Importation of fur seal skins.
IV. Exemption of Indians.
V. Protection of sea otters.
VI. Legislation.
VII. Maintenance of guard or patrol.
VIII. Cooperation for the prevention of pelagic sealing.
IX. Pelagic sealing defined.
X. Distribution of seals taken by United States.
XI. Payment by United States.
XII. Distribution of seal skins by Russia.
XIII. Distribution of seal skins by Japan.
XIV. Distribution of seal skins by Great Britain.
XV. Treaty of February 7, 1911, superseded.
XVI. Effect; duration.
XVII. Ratification.

The United States of America, His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, His Majesty the Emperor of Japan, and His Majesty the Emperor of all the Russias, being desirous of adopting effective means for the preservation and protection of the fur seals which frequent the waters of the North Pacific Ocean, have resolved to conclude a Convention for the purpose, and to that end have named as their Plenipotentiaries:

The President of the United States of America, the Honorable Charles Nagel, Secretary of Commerce and Labor of the United States, and the Honorable Chandler P. Anderson, Counselor of the Department of State of the United States;

His Britannic Majesty, the Right Honorable James Bryce, of the Order of Merit, his Ambassador Extraordinary and Plenipotentiary at Washington, and Joseph Pope, Esquire, Commander of the Royal Victorian Order and Companion of the Order of St. Michael and St. George, Under Secretary of State of Canada for External Affairs;

His Majesty the Emperor of Japan, Baron Yasuya Uchida, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, his Ambassador Extraordinary and Plenipotentiary at Washington; and the Honorable Hitoshi Dauké, Shoshii, Third Class of the Imperial Order of the Rising Sun, Director of the Bureau of Fisheries, Department of Agriculture and Commerce;

His Majesty the Emperor of all the Russias, the Honorable Pierre Botkine, Chamberlain of His Majesty's Court, Envoy Extraordinary and Minister Plenipotentiary to Morocco, and Baron Boris Nolde, of the Foreign Office;

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[a] U. S. Stats., vol. 37, p. 499, act carrying provisions of treaty into effect.
[b] Previously inserted on page 60.

Who, after having communicated to one another their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

The High Contracting Parties mutually and reciprocally agree that their citizens and subjects respectively, and all persons subject to their laws and treaties, and their vessels, shall be prohibited, while this Convention remains in force, from engaging in pelagic sealing in the waters of the North Pacific Ocean, north of the thirtieth parallel of north latitude and including the Seas of Bering, Kamchatka, Okhotsk and Japan, and that every such person and vessel offending against such prohibition may be seized, except within the territorial jurisdiction of one of the other Powers, and detained by the naval or other duly commissioned officers of any of the Parties to this Convention, to be delivered as soon as practicable to an authorized official of their own nation at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; and that the authorities of the nation to which such person or vessel belongs alone shall have jurisdiction to try the offense and impose the penalties for the same; and that the witnesses and proofs necessary to establish the offense, so far as they are under the control of any of the Parties to this Convention, shall also be furnished with all reasonable promptitude to the proper authorities having jurisdiction to try the offense.

ARTICLE II.

Each of the High Contracting Parties further agrees that no person or vessel shall be permitted to use any of its ports or harbors or any part of its territory for any purposes whatsoever connected with the operations of pelagic sealing in the waters within the protected area mentioned in Article I.

ARTICLE III.

Each of the High Contracting Parties further agrees that no sealskins taken in the waters of the North Pacific Ocean within the protected area mentioned in Article I, and no sealskins identified as the species known as *Callorhinus alascanus*, *Callorhinus ursinus*, and *Callorhinus kurilensis*, and belonging to the American, Russian or Japanese herds, except such as are taken under the authority of the respective Powers to which the breeding grounds of such herds belong and have been officially marked and certified as having been so taken, shall be permitted to be imported or brought into the territory of any of the Parties to this Convention.

ARTICLE IV.

It is further agreed that the provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or other aborigines dwelling on the coast of the waters mentioned in Article I, who carry on pelagic sealing in canoes not transported by or used in connection with other

vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms; provided that such aborigines are not in the employment of other persons or under contract to deliver the skins to any person.

ARTICLE V.

Each of the High Contracting Parties agrees that it will not permit its citizens or subjects or their vessels to kill, capture or pursue beyond the distance of three miles from the shore line of its territories sea otters in any part of the waters mentioned in Article I of this Convention.

ARTICLE VI.

Each of the High Contracting Parties agrees to enact and enforce such legislation as may be necessary to make effective the foregoing provisions with appropriate penalties for violations thereof.

ARTICLE VII.

It is agreed on the part of the United States, Japan, and Russia that each respectively will maintain a guard or patrol in the waters frequented by the seal herd in the protection of which it is especially interested, so far as may be necessary for the enforcement of the foregoing provisions.

ARTICLE VIII.

All of the High Contracting Parties agree to cooperate with each other in taking such measures as may be appropriate and available for the purpose of preventing pelagic sealing in the prohibited area mentioned in Article I.

ARTICLE IX.

The term pelagic sealing is hereby defined for the purposes of this Convention as meaning the killing, capturing or pursuing in any manner whatsoever of fur seals at sea.

ARTICLE X.

The United States agrees that of the total number of sealskins taken annually under the authority of the United States upon the Pribilof Islands or any other islands or shores of the waters mentioned in Article I subject to the jurisdiction of the United States to which any seal herds hereafter resort, there shall be delivered at the Pribilof Islands at the end of each season fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Canadian Government and fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of the United States at any time and from time to time to

suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner and times and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its number.

ARTICLE XI.

The United States further agrees to pay the sum of two hundred thousand dollars ($200,000) to Great Britain and the sum of two hundred thousand dollars ($200,000) to Japan when this Convention goes into effect, as an advance payment in each case in lieu of such number of fur-seal skins to which Great Britain and Japan respectively would be entitled under the provisions of this Convention as would be equivalent in each case to two hundred thousand dollars ($200,000) reckoned at their market value at London at the date of their delivery before dressing and curing and less cost of transportation from the Pribilof Islands, such market value in case of dispute to be determined by an umpire to be agreed upon by the United States and Great Britain, or by the United States and Japan, as the case may be, which skins shall be retained by the United States in satisfaction of such payments.

The United States further agrees that the British and Japanese share respectively of the sealskins taken from the American herd under the terms of this Convention shall be not less than one thousand (1,000) each in any year even if such number is more than fifteen per cent (15%) of the number to which the authorized killing is restricted in such year, unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives on the islands, in which case the United States agrees to pay to Great Britain and to Japan each the sum of ten thousand dollars ($10,000) annually in lieu of any share of skins during the years when no killing is allowed; and Great Britain agrees, and Japan agrees, that after deducting the skins of their respective shares, which are to be retained by the United States as above provided to reimburse itself for the advance payment aforesaid, the United States shall be entitled to reimburse itself for any annual payments made as herein required, by retaining an additional number of sealskins from the British and Japanese shares respectively over and above the specified minimum allowance of one thousand (1,000) skins in any subsequent year or years when killing is again resumed, until the whole number of skins retained shall equal, reckoned at their market value determined as above provided for, the entire amount so paid, with interest at the rate of four per cent (4%) per annum.

If, however, the total number of seals frequenting the United States islands in any year falls below one hundred thousand (100,000), enumerated by official count, then all killing, excepting the inconsiderable supply necessary for the support of the natives as above noted, may be suspended without allowance of skins or payment of money equivalent until the number of such seals again exceeds one hundred thousand (100,000), enumerated in like manner.

ARTICLE XII.

It is agreed on the part of Russia that of the total number of sealskins taken annually upon the Commander Islands, or any other island or shores of the waters defined in Article I subject to the jurisdiction of Russia to which any seal herds hereafter resort, there shall be delivered at the Commander Islands at the end of each season fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Canadian Government, and fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of Russia at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Russian seal herd, or to increase its number; but it is agreed, nevertheless, on the part of Russia that during the last ten years of the term of this Convention not less than five per cent (5%) of the total number of seals on the Russian rookeries and hauling grounds will be killed annually, provided that said five per cent (5%) does not exceed eighty-five per cent (85%) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Russian islands in any year falls below eighteen thousand (18,000) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds eighteen thousand (18,000) enumerated in like manner.

ARTICLE XIII.

It is agreed on the part of Japan that of the total number of sealskins taken annually upon Robben Island, or any other islands or shores of the waters defined in Article I subject to the jurisdiction of Japan to which any seal herds hereafter resort, there shall be delivered at Robben Island at the end of each season ten per cent (10%) gross in number and value thereof to an authorized agent of the United States Government, ten per cent (10%) gross in number and value thereof to an authorized agent of the Canadian Government, and ten per cent (10%) gross in number and value thereof to an authorized agent of the Russian Government; provided, however, that nothing herein contained shall restrict the right of Japan at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Japanese herd, or to increase its number; but it is agreed, nevertheless, on the part of Japan that during the last ten years of the term of this Convention not less than five per cent (5%)

of the total number of seals on the Japanese rookeries and hauling grounds will be killed annually, provided that said five per cent (5%) does not exceed eighty-five per cent (85%) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Japanese islands in any year falls below six thousand five hundred (6,500) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds six thousand five hundred (6,500) enumerated in like manner.

Article XIV.

It is agreed on the part of Great Britain that in case any seal herd hereafter resorts to any islands or shores of the waters defined in Article I subject to the jurisdiction of Great Britain, there shall be delivered at the end of each season during the term of this Convention ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the United States Government, ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the Japanese Government, and ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the Russian Government.

Article XV.[a]

It is further agreed between the United States and Great Britain that the provisions of this Convention shall supersede, in so far as they are inconsistent therewith or in duplication thereof, the provisions of the treaty relating to the fur seals, entered into between the United States and Great Britain on the 7th day of February, 1911.

Article XVI.

This Convention shall go into effect upon the 15th day of December, 1911, and shall continue in force for a period of fifteen (15) years from that date, and thereafter until terminated by twelve (12) months' written notice given by one or more of the Parties to all of the others, which notice may be given at the expiration of fourteen years or at any time afterwards, and it is agreed that at any time prior to the termination of this Convention, upon the request of any one of the High Contracting Parties, a conference shall be held forthwith between representatives of all the Parties hereto, to consider and if possible agree upon a further extension of this Convention with such additions and modifications, if any, as may be found desirable.

Article XVII.

This Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, by His Britannic Majesty, by His Majesty the Emperor of Japan, and

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[a] See p. 56.

by His Majesty the Emperor of all the Russias; and ratifications shall be exchanged at Washington as soon as practicable.

In faith whereof, the respective Plenipotentiaries have signed this Convention in quadruplicate and have hereunto affixed their seals.

Done at Washington the 7th day of July, in the year one thousand nine hundred and eleven.

Charles Nagel	[seal]
Chandler P. Anderson	[seal]
James Bryce	[seal]
Joseph Pope	[seal]
Y. Uchida	[seal]
H. Dauke	[seal]
P. Botkine	[seal]
Nolde	[seal]

MEXICO.

1910.

Convention for the Arbitration of the Chamizal Case.

Signed at Washington June 24, 1910; ratification advised by the Senate December 12, 1910; ratified by the President January 23, 1911; ratified by Mexico December 27, 1910; ratifications exchanged at Washington January 24, 1911; proclaimed January 25, 1911.

Articles.

I. Location of Chamizal tract.
II. Composition of International Boundary Commission.
III. Duties.
IV. Representation before commission.
V. Presentation of case and evidence.
VI. Expenses.
VII. Filling of vacancy on commission.
VIII. Execution of award.
IX. Evidence.
X. Effect; ratification.

The United States of America and the United States of Mexico, desiring to terminate, in accordance with the various treaties and conventions now existing between the two countries, and in accordance with the principles of international law, the differences which have arisen between the two Governments as to the international title to the Chamizal tract, upon which the members of the International Boundary Commission have failed to agree, and having determined to refer these differences to the said Commission, established by the Convention of 1889, which for this case only shall be enlarged as hereinafter provided, have resolved to conclude a Convention for that purpose, and have appointed as their respective Plenipotentiaries:

The President of the United States of America, Philander C. Knox, Secretary of State of the United States of America; and

The President of the United States of Mexico, Don Francisco León de la Barra, Ambassador Extraordinary and Plenipotentiary of the United States of Mexico at Washington;

Who, after having exhibited their respective full powers, and having found the same to be in good and due form, have agreed upon the following articles:

Article I.

The Chamizal tract in dispute is located at El Paso, Texas, and Ciudad Juarez, Chihuahua, and is bounded westerly and southerly by the middle of the present channel of the Rio Grande, otherwise called Rio Bravo del Norte, easterly by the middle of the abandoned channel of 1901, and northerly by the middle of the channel of the river as surveyed by Emory and Salazar in 1852, and is substantially

as shown on a map on a scale of 1–5,000, signed by General Anson Mills, Commissioner on the part of the United States, and Señor Don F. Javier Osorno, Commissioner on the part of Mexico, which accompanies the report of the International Boundary Commission, in Case No. 13, entitled "Alleged Obstruction in the Mexican End of the El Paso Street Railway Bridge and Backwaters Caused by the Great Bend in the River Below," and on file in the archives of the two Governments.

ARTICLE II.

The difference as to the international title of the Chamizal tract shall be again referred to the International Boundary Commission, which shall be enlarged by the addition, for the purposes of the consideration and decision of the aforesaid difference only, of a third Commissioner, who shall preside over the deliberations of the Commission. This Commissioner shall be a Canadian jurist and shall be selected by the two Governments by common accord, or, failing such agreement, by the Government of Canada, which shall be requested to designate him. No decision of the Commission shall be perfectly valid unless the Commission shall have been fully constituted by the three members who composed it.

ARTICLE III.

The Commission shall decide solely and exclusively as to whether the international title to the Chamizal tract is in the United States of America or Mexico. The decision of the Commission, whether rendered unanimously or by majority vote of the Commissioners, shall be final and conclusive upon both Governments, and without appeal. The decision shall be in writing and shall state the reasons upon which it is based. It shall be rendered within thirty days after the close of the hearings.

ARTICLE IV.

Each Government shall be entitled to be represented before the Commission by an Agent and such Counsel as it may deem necessary to designate; the Agent and Counsel shall be entitled to make oral argument and to examine and cross-examine witnesses and, provided that the Commission so decides, to introduce further documentary evidence.

ARTICLE V.

On or before December 1, 1910, each Government shall present to the Agent of the other party two or more printed copies of its case, together with the documentary evidence upon which it relies. It shall be sufficient for this purpose if each Government delivers the copies and documents aforesaid at the Mexican Embassy at Washington or at the American Embassy at the City of Mexico, as the case may be, for transmission. As soon thereafter as possible, and within ten days, each party shall deliver two printed copies of its case and accompanying documentary evidence to each member of the Commission. Delivery to the American and Mexican Commissioners may be made at their offices in El Paso, Texas; the copies intended for the Canadian Commissioner may be delivered at the British Embassy at Washington or at the British Legation at the City of Mexico.

On or before February 1, 1911, each Government may present to the Agent of the other a counter-case, with documentary evidence, in answer to the case and documentary evidence of the other party. The counter-case shall be delivered in the manner provided in the foregoing paragraph.

The Commission shall hold its first session in the city of El Paso, State of Texas, where the offices of the International Boundary Commission are situated, on March 1, 1911, and shall proceed to the trial of the case with all convenient speed, sitting either at El Paso, Texas, or Ciudad Juarez, Chihuahua, as convenience may require. The Commission shall act in accordance with the procedure established in the Boundary Convention of 1889. It shall, however, be empowered to adopt such rules and regulations as it may deem convenient in the course of the case.

At the first meeting of the three Commissioners each party shall deliver to each of the Commissioners and to the Agent of the other party, in duplicate, with such additional copies as may be required, a printed argument showing the points relied upon in the case and counter-case, and referring to the documentary evidence upon which it is based. Each party shall have the right to file such supplemental printed brief as it may deem requisite. Such briefs shall be filed within ten days after the close of the hearings, unless further time be granted by the Commission.

ARTICLE VI.

Each Government shall pay the expenses of the presentation and conduct of its case before the Commission; all other expenses which by their nature are a charge on both Governments, including the honorarium for the Canadian Commissioner, shall be borne by the two Governments in equal moieties.

ARTICLE VII.

In case of the temporary or permanent unavoidable absence of any one of the Commissioners, his place will be filled by the Government concerned, except in the case of the Canadian jurist. The latter under any like circumstances shall be replaced in accordance with the provisions of this Convention.

ARTICLE VIII.

If the arbitral award provided for by this Convention shall be favorable to Mexico, it shall be executed within the term of two years, which can not be extended, and which shall be counted from the date on which the award is rendered. During that time the *status quo* shall be maintained in the Chamizal tract on the terms agreed upon by both Governments.

ARTICLE IX.

By this Convention the Contracting Parties declare to be null and void all previous propositions that have reciprocally been made for the diplomatic settlement of the Chamizal Case; but each party shall be entitled to put in evidence by way of information such of this official correspondence as it deems advisable.

ARTICLE X.

The present Convention shall be ratified in accordance with the constitutional forms of the Contracting Parties and shall take effect from the date of the exchange of its ratifications.

The ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the above articles, both in the English and Spanish languages, and have hereunto affixed their seals.

Done in duplicate at the City of Washington, this 24th day of June, one thousand nine hundred and ten.

PHILANDER C KNOX [SEAL]
F. L. DE LA BARRA [SEAL]

1910.

SUPPLEMENTAL PROTOCOL FOR THE ARBITRATION OF THE CHAMIZAL CASE.

Signed at Washington December 5, 1910; ratification advised by the Senate December 12, 1910; ratified by the President January 23, 1911; ratified by Mexico December 27, 1910; ratifications exchanged at Washington January 24, 1911; proclaimed January 25, 1911.

The Plenipotentiaries who negotiated and signed the Convention of June 24, 1910, for the arbitration of the Chamizal Case, being thereunto duly empowered by their respective Governments, have agreed upon the following supplementary protocol:

Where as it has become necessary, owing to the lapse of time, that the dates fixed by Article V of the before-mentioned Convention be changed, it is hereby agreed as follows:

The date for the presentation of the respective cases and documentary evidence is fixed for February 15, 1911;

The date for the presentation of the respective countercases and documentary evidence is fixed for April 15, 1911;

The date for the first session of the Commission is fixed for May 15, 1911.

All other provisions of the Convention of June 24, 1910, remain unchanged.

This supplementary protocol shall be ratified in accordance with the constitutional forms of the Contracting Parties and shall take effect from the date of the exchange of its ratifications.

The ratifications of the Convention and the supplementary protocol shall be exchanged at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the above supplementary protocol, both in the English and Spanish languages, and have hereunto affixed their seals.

Done in the City of Washington, this fifth day of December, one thousand nine hundred and ten.

PHILANDER C. KNOX [SEAL]
F. L. DE LA BARRA [SEAL]

NICARAGUA.

1908.

Naturalization Convention.

Signed at Managua December 7, 1908; ratification advised by the Senate January 21, 1909; ratified by the President March 1, 1909; ratified by Nicaragua March 28, 1912; ratifications exchanged at Managua March 28, 1912; proclaimed May 10, 1912.

Articles.

I. Naturalization recognized.
II. Renunciation of naturalization.
III. Declaration of intention.
IV. Liability for prior offense.
V. Citizenship defined.
VI. Duration.
VII. Ratification.

The President of the United States of America and the President of the Republic of Nicaragua, desiring to regulate the citizenship of those persons who emigrate from the United States of America to Nicaragua, and from Nicaragua to the United States of America, have resolved to conclude a Convention on this subject and for that purpose have appointed their Plenipotentiaries to conclude a Convention, that is to say: the President of the United States of America, John Hanaford Gregory Jr., Chargé d'Affaires ad Interim of the United States at Managua, and the President of Nicaragua, Rodolfo Espinosa R., Minister for Foreign Affairs, who having exchanged their full powers, found in good and due form have agreed to and signed the following articles.

Article I.

1. Citizens of the United States who have been or may be voluntarily naturalized in Nicaragua in conformity with the laws thereof, shall be considered and treated by the Government of the United States as citizens of Nicaragua.

2. Reciprocally, citizens of Nicaragua who have been or may be voluntarily naturalized in the United States in conformity with the laws thereof, shall be considered and treated by the Government of Nicaragua as citizens of the United States.

Article II.

1. If a citizen of the United States naturalized in Nicaragua renews his residence in the United States without the intention to

return to Nicaragua, it shall be considered that he has renounced his citizenship in Nicaragua.

2. Reciprocally, if a citizen of Nicaragua naturalized in the United States renews his residence in Nicaragua without intention to return to the United States it shall be deemed that he has renounced his citizenship in the United States.

3. The intention not to return shall be deemed to exist when a person naturalized in one of the two countries resides for more than two years continuously in the other country; however, such presumption may be destroyed by evidence to the contrary.

ARTICLE III.

A mere declaration of intention to become naturalized in either country shall not, in either country, have the effect of legally acquired citizenship.

ARTICLE IV.

Citizens naturalized in one of the two countries and returning to the country of their origin shall be subject to trial and punishment in the latter for any punishable act committed before their emigration, but not for the act of emigration itself, always excepting cases of limitation or any other remission of liability.

ARTICLE V.

It is agreed between both parties to define the word " citizenship ", as used in this Convention, to mean the status of a person possessing the nationality of the United States or Nicaragua.

ARTICLE VI.

The present Convention shall be in force for a period of ten years from the date of the exchange of ratifications. If, one year before the expiration of this period, neither of the parties gives notice to the other that it shall expire, it shall continue in force until twelve months after such notice is given.

ARTICLE VII.

The present Convention shall be ratified constitutionally by each country, and the ratifications shall be exchanged at Washington or at Managua within two years from date at the latest.

DONE in Managua the seventh of December one thousand nine hundred and eight, sealed and signed in two copies of same tenor in English and Spanish.

[SEAL.] JOHN HANAFORD GREGORY JR.
[SEAL.] RODOLFO ESPINOSA R.

1911.

SUPPLEMENTARY CONVENTION.

Signed at Managua June 17, 1911; ratification advised by the Senate August 15, 1911; ratified by the President January 24, 1912; ratifications exchanged at Managua March 28, 1912, proclaimed May 10, 1912.

The President of the United States of America and the President of the Republic of Nicaragua, considering it expedient to prolong the period in which, by article VII of the Naturalization Convention signed by the respective plenipotentiaries of the United States and Nicaragua at Managua on December 7, 1908, the exchange of the ratifications of the said Convention shall be effected, have for that purpose appointed their respective plenipotentiaries, namely:

The President of the United States of America, Elliott Northcott, Envoy Extraordinary and Minister Plenipotentiary of the United States of America; and

The President of the Republic of Nicaragua, Tomás Martinez, Minister for Foreign Affairs of the Republic of Nicaragua,

Who, after having communicated each to the other their respective full powers, which were found to be in good and due form, have agreed to the following additional and amendatory article to be taken as a part of the said Convention:

SOLE ARTICLE.

The respective ratifications of the said Convention shall be exchanged at Washington or at Managua as soon as possible and within two years from December 7, 1910.

In faith whereof the respective plenipotentiaries have signed the present Supplementary and Amendatory Convention in duplicate in the English and Spanish languages and have hereunto affixed their seals.

Done at Managua this seventeenth day of June, in the year of our Lord one thousand nine hundred and eleven.

ELLIOTT NORTHCOTT
TOMÁS MARTINEZ

[SEAL.]

76844—S. Doc. 1063, 62-3——7

RUSSIA.

1832.

By joint resolution, approved December 21, 1911, the treaty of commerce and navigation between the United States and Russia, concluded on the 18th day of December, 1832, was terminated. The resolution is as follows:

Whereas the treaty of commerce and navigation between the United States and Russia, concluded on the eighteenth day of December, eighteen hundred and thirty-two, provides in Article XII thereof that it "shall continue in force until the first day of January, in the year of our Lord eighteen hundred and thirty-nine, and if, one year before that day, one of the high contracting parties shall not have announced to the other, by an official notification, its intention to arrest the operation thereof this treaty shall remain obligatory one year beyond that day, and so on until the expiration of the year which shall commence after the date of a similar notification"; and

Whereas on the seventeenth day of December, nineteen hundred and eleven, the President caused to be delivered to the Imperial Russian Government, by the American Ambassador at Saint Petersburg, an official notification on behalf of the Government of the United States, announcing intention to terminate the operation of this treaty upon the expiration of the year commencing on the first of January, nineteen hundred and twelve; and

Whereas said treaty is no longer responsive in various respects to the political principles and commercial needs of the two countries; and

Whereas the constructions placed thereon by the respective contracting parties differ upon matters of fundamental importance and interest to each: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the notice thus given by the President of the United States to the Government of the Empire of Russia to terminate said treaty in accordance with the terms of the treaty is hereby adopted and ratified.

1911.[a]

CONVENTION BETWEEN THE UNITED STATES, GREAT BRITAIN, RUSSIA, AND JAPAN FOR THE PRESERVATION AND PROTECTION OF FUR SEALS, AND SUPERSEDING THE TREATY OF FEBRUARY 7, 1911 [p. 52].

Signed at Washington July 7, 1911; ratification advised by the Senate July 24, 1911; ratified by the President November 24, 1911; ratified by Great Britain August 25, 1911; ratified by Japan November 6, 1911; ratified by Russia October 22, 1911, November 4, 1911; ratifications exchanged at Washington December 12, 1911; proclaimed December 14, 1911.[b]

ARTICLES.

I. Prohibition relative to pelagic sealing.
II. Prohibition relative to use of ports.
III. Importation of fur sealskins.
IV. Exemption of Indians.
V. Protection of sea otters.
VI. Legislation.
VII. Maintenance of guard or patrol.
VIII. Cooperation for the prevention of pelagic sealing.
IX. Pelagic sealing defined.
X. Distribution of seals taken by United States.
XI. Payment by United States.
XII. Distribution of sealskins by Russia.
XIII. Distribution of sealskins by Japan.
XIV. Distribution of sealskins by Great Britain.
XV. Treaty of February 7, 1911, superseded.
XVI. Effect; duration.
XVII. Ratification.

The United States of America, His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India, His Majesty the Emperor of Japan, and His Majesty the Emperor of all the Russias, being desirous of adopting effective means for the preservation and protection of the fur seals which frequent the waters of the North Pacific Ocean, have resolved to conclude a Convention for the purpose, and to that end have named as their Plenipotentiaries:

The President of the United States of America, the Honorable Charles Nagel, Secretary of Commerce and Labor of the United States, and the Honorable Chandler P. Anderson, Counselor of the Department of State of the United States;

His Britannic Majesty, the Right Honorable James Bryce, of the Order of Merit, his Ambassador Extraordinary and Plenipotentiary at Washington, and Joseph Pope, Esquire, Commander of the Royal Victorian Order and Companion of the Order of St. Michael and St. George, Under Secretary of State of Canada for External Affairs;

His Majesty the Emperor of Japan, Baron Yasuya Uchida, Jusammi, Grand Cordon of the Imperial Order of the Rising Sun, his Ambassador Extraordinary and Plenipotentiary at Washington; and the Honorable Hitoshi Dauké, Shoshii, Third Class of the Imperial Order of the Rising Sun, Director of the Bureau of Fisheries, Department of Agriculture and Commerce;

His Majesty the Emperor of all the Russias, the Honorable Pierre Botkine, Chamberlain of His Majesty's Court, Envoy Extraordinary and Minister Plenipotentiary to Morocco, and Baron Boris Nolde, of the Foreign Office;

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[a] U. S. Stats., vol. 37, p. 499, act carrying provisions of treaty into effect. Previously inserted on page 84.

Who, after having communicated to one another their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE I.

The High Contracting Parties mutually and reciprocally agree that their citizens and subjects respectively, and all persons subject to their laws and treaties, and their vessels, shall be prohibited, while this Convention remains in force, from engaging in pelagic sealing in the waters of the North Pacific Ocean, north of the thirtieth parallel of north latitude and including the Seas of Bering, Kamchatka, Okhotsk and Japan, and that every such person and vessel offending against such prohibition may be seized, except within the territorial jurisdiction of one of the other Powers, and detained by the naval or other duly commissioned officers of any of the Parties to this Convention, to be delivered as soon as practicable to an authorized official of their own nation at the nearest point to the place of seizure, or elsewhere as may be mutually agreed upon; and that the authorities of the nation to which such person or vessel belongs alone shall have jurisdiction to try the offense and impose the penalties for the same; and that the witnesses and proofs necessary to establish the offense, so far as they are under the control of any of the Parties to this Convention, shall also be furnished with all reasonable promptitude to the proper authorities having jurisdiction to try the offense.

ARTICLE II.

Each of the High Contracting Parties further agrees that no person or vessel shall be permitted to use any of its ports or harbors or any part of its territory for any purposes whatsoever connected with the operations of pelagic sealing in the waters within the protected area mentioned in Article I.

ARTICLE III.

Each of the High Contracting Parties further agrees that no sealskins taken in the waters of the North Pacific Ocean within the protected area mentioned in Article I, and no sealskins identified as the species known as *Callorhinus alascanus*, *Callorhinus ursinus*, and *Callorhinus kurilensis*, and belonging to the American, Russian or Japanese herds, except such as are taken under the authority of the respective Powers to which the breeding grounds of such herds belong and have been officially marked and certified as having been so taken, shall be permitted to be imported or brought into the territory of any of the Parties to this Convention.

ARTICLE IV.

It is further agreed that the provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or other aborigines dwelling on the coast of the waters mentioned in Article I, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned

by not more than five persons each, in the way hitherto practiced and without the use of firearms; provided that such aborigines are not in the employment of other persons or under contract to deliver the skins to any person.

ARTICLE V.

Each of the High Contracting Parties agrees that it will not permit its citizens or subjects or their vessels to kill, capture or pursue beyond the distance of three miles from the shore line of its territories sea otters in any part of the waters mentioned in Article I of this Convention.

ARTICLE VI.

Each of the High Contracting Parties agrees to enact and enforce such legislation as may be necessary to make effective the foregoing provisions with appropriate penalties for violations thereof.

ARTICLE VII.

It is agreed on the part of the United States, Japan, and Russia that each respectively will maintain a guard or patrol in the waters frequented by the seal herd in the protection of which it is especially interested, so far as may be necessary for the enforcement of the foregoing provisions.

ARTICLE VIII.

All of the High Contracting Parties agree to cooperate with each other in taking such measures as may be appropriate and available for the purpose of preventing pelagic sealing in the prohibited area mentioned in Article I.

ARTICLE IX.

The term pelagic sealing is hereby defined for the purposes of this Convention as meaning the killing, capturing or pursuing in any manner whatsoever of fur seals at sea.

ARTICLE X.

The United States agrees that of the total number of sealskins taken annually under the authority of the United States upon the Pribilof Islands or any other islands or shores of the waters mentioned in Article I subject to the jurisdiction of the United States to which any seal herds hereafter resort, there shall be delivered at the Pribilof Islands at the end of each season fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Canadian Government and fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of the United States at any time and from time to time to suspend altogether the taking of sealskins on such islands or shores

subject to its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner and times and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its number.

Article XI.

The United States further agrees to pay the sum of two hundred thousand dollars ($200,000) to Great Britain and the sum of two hundred thousand dollars ($200,000) to Japan when this Convention goes into effect, as an advance payment in each case in lieu of such number of fur-seal skins to which Great Britain and Japan respectively would be entitled under the provisions of this Convention as would be equivalent in each case to two hundred thousand dollars ($200,000) reckoned at their market value at London at the date of their delivery before dressing and curing and less cost of transportation from the Pribilof Islands, such market value in case of dispute to be determined by an umpire to be agreed upon by the United States and Great Britain, or by the United States and Japan, as the case may be, which skins shall be retained by the United States in satisfaction of such payments.

The United States further agrees that the British and Japanese share respectively of the sealskins taken from the American herd under the terms of this Convention shall be not less than one thousand (1,000) each in any year even if such number is more than fifteen per cent (15%) of the number to which the authorized killing is restricted in such year, unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives on the islands, in which case the United States agrees to pay to Great Britain and to Japan each the sum of ten thousand dollars ($10,000) annually in lieu of any share of skins during the years when no killing is allowed; and Great Britain agrees, and Japan agrees, that after deducting the skins of their respective shares, which are to be retained by the United States as above provided to reimburse itself for the advance payment aforesaid, the United States shall be entitled to reimburse itself for any annual payments made as herein required, by retaining an additional number of sealskins from the British and Japanese shares respectively over and above the specified minimum allowance of one thousand (1,000) skins in any subsequent year or years when killing is again resumed, until the whole number of skins retained shall equal, reckoned at their market value determined as above provided for, the entire amount so paid, with interest at the rate of four per cent (4%) per annum.

If, however, the total number of seals frequenting the United States islands in any year falls below one hundred thousand (100,000), enumerated by official count, then all killing, excepting the inconsiderable supply necessary for the support of the natives as above noted, may be suspended without allowance of skins or payment of money equivalent until the number of such seals again exceeds one hundred thousand (100,000), enumerated in like manner.

ARTICLE XII.

It is agreed on the part of Russia that of the total number of sealskins taken annually upon the Commander Islands, or any other island or shores of the waters defined in Article I subject to the jurisdiction of Russia to which any seal herds hereafter resort, there shall be delivered at the Commander Islands at the end of each season fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Canadian Government, and fifteen per cent (15%) gross in number and value thereof to an authorized agent of the Japanese Government; provided, however, that nothing herein contained shall restrict the right of Russia at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Russian seal herd, or to increase its number; but it is agreed, nevertheless, on the part of Russia that during the last ten years of the term of this Convention not less than five per cent (5%) of the total number of seals on the Russian rookeries and hauling grounds will be killed annually, provided that said five per cent (5%) does not exceed eighty-five per cent (85%) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Russian islands in any year falls below eighteen thousand (18,000) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds eighteen thousand (18,000) enumerated in like manner.

ARTICLE XIII.

It is agreed on the part of Japan that of the total number of sealskins taken annually upon Robben Island, or any other islands or shores of the waters defined in Article I subject to the jurisdiction of Japan to which any seal herds hereafter resort, there shall be delivered at Robben Island at the end of each season ten per cent (10%) gross in number and value thereof to an authorized agent of the United States Government, ten per cent (10%) gross in number and value thereof to an authorized agent of the Canadian Government, and ten per cent (10%) gross in number and value thereof to an authorized agent of the Russian Government; provided, however, that nothing herein contained shall restrict the right of Japan at any time and from time to time during the first five years of the term of this Convention to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose during the term of this Convention such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them as may seem necessary to preserve and protect the Japanese herd, or to increase its number; but it is

agreed, nevertheless, on the part of Japan that during the last ten years of the term of this Convention not less than five per cent (5%) of the total number of seals on the Japanese rookeries and hauling grounds will be killed annually, provided that said five per cent (5%) does not exceed eighty-five per cent (85%) of the three-year-old male seals hauling in such year.

If, however, the total number of seals frequenting the Japanese islands in any year falls below six thousand five hundred (6,500) enumerated by official count, then the allowance of skins mentioned above and all killing of seals except such as may be necessary for the support of the natives on the islands may be suspended until the number of such seals again exceeds six thousand five hundred (6,500) enumerated in like manner.

ARTICLE XIV.

It is agreed on the part of Great Britain that in case any seal herd hereafter resorts to any islands or shores of the waters defined in Article I subject to the jurisdiction of Great Britain, there shall be delivered at the end of each season during the term of this Convention ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the United States Government, ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the Japanese Government, and ten per cent (10%) gross in number and value of the total number of sealskins annually taken from such herd to an authorized agent of the Russian Government.

ARTICLE XV.[a]

It is further agreed between the United States and Great Britain that the provisions of this Convention shall supersede, in so far as they are inconsistent therewith or in duplication thereof, the provisions of the treaty relating to the fur seals, entered into between the United States and Great Britain on the 7th day of February, 1911.

ARTICLE XVI.

This Convention shall go into effect upon the 15th day of December, 1911, and shall continue in force for a period of fifteen (15) years from that date, and thereafter until terminated by twelve (12) months' written notice given by one or more of the Parties to all of the others, which notice may be given at the expiration of fourteen years or at any time afterwards, and it is agreed that at any time prior to the termination of this Convention, upon the request of any one of the High Contracting Parties, a conference shall be held forthwith between representatives of all the Parties hereto, to consider and if possible agree upon a further extension of this Convention with such additions and modifications, if any, as may be found desirable.

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[a] See page 56.

Article XVII.

This Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, by His Britannic Majesty, by His Majesty the Emperor of Japan, and by His Majesty the Emperor of all the Russias; and ratifications shall be exchanged at Washington as soon as practicable.

In faith whereof, the respective Plenipotentiaries have signed this Convention in quadruplicate and have hereunto affixed their seals.

Done at Washington the 7th day of July, in the year one thousand nine hundred and eleven.

Charles Nagel	[seal]
Chandler P. Anderson	[seal]
James Bryce	[seal]
Joseph Pope	[seal]
Y. Uchida	[seal]
H. Dauke	[seal]
P. Botkine	[seal]
Nolde	[seal]

SALVADOR.

1911.

Extradition Convention.

Signed at San Salvador April 18, 1911; ratification advised by the Senate May 22, 1911; ratified by the President June 8, 1911; ratified by Salvador May 11, 1911; ratifications exchanged at San Salvador July 10, 1911; proclaimed July 13, 1911.

Articles.

I. Delivery of accused.
II. Extraditable offenses.
III. Political offenses.
IV. Offense for which to be tried.
V. Limitations.
VI. Extradition to be deferred.
VII. Claimed by other countries.
VIII. Nondelivery of citizens.
IX. Expenses.
X. Property in possession of accused.
XI. Procedure.
XII. Provisional detention.
XIII. Assistance of legal officers.
XIV. Extradition by third power.
XV. Effect; duration; ratification.

The United States of America and the Republic of El Salvador having judged it expedient, with a view to the better administration of justice and the prevention of crime within their respective territories and jurisdictions, that persons charged with or convicted of the crimes and offenses hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have resolved to conclude a treaty for that purpose, and have appointed as their plenipotentiaries—

The President of the United States of America, William Heimké, Envoy Extraordinary and Minister Plenipotentiary of said United States, at San Salvador, and the President of the Republic of El Salvador, Don Manuel Castro Ramírez, Under Secretary of State in the Department of Foreign Relations, who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

It is agreed that the Government of the United States and the Government of El Salvador shall, upon mutual requisition duly made as herein provided, deliver up to justice any person who may be charged with, or may have bene convicted of any of the crimes specified in Article II of this Treaty committed within the jurisdiction of one of the Contracting Parties, who shall seek an asylum or shall be found within the territories of the other, provided that such

surrender shall take place only upon such evidence of criminality, as according to the laws of the place where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial if the crime or offense had been there committed.

Article II.

Persons shall be delivered up according to the provisions of this Treaty, who shall have been charged with or convicted of any of the following crimes:

1. Murder, comprehending the crimes designated by the terms of parricide, assassination, manslaughter when voluntary; poisoning or infanticide.
2. The attempt to commit murder.
3. Rape, abortion, carnal knowledge of children under the age of twelve years.
4. Mayhem and other wilful mutilation causing disability or death.
5. Bigamy.
6. Arson.
7. Wilful and unlawful destruction or obstruction of railroads, which endangers human life.
8. Crimes committed at sea:

(a) Piracy, as commonly known and defined by the law of Nations, or by Statute;

(b) Wrongfully sinking or destroying a vessel at sea or attempting to do so;

(c) Mutiny or conspiracy by two or more members of the crew or other persons on board of a vessel on the high seas, for the purpose of rebelling against the authority of the Captain or Commander of such vessel, or by fraud or violence taking possession of such vessel;

(d) Assault on board ships upon the high seas with intent to do bodily harm.

9. Burglary, defined to be the act of breaking into and entering the house of another in the night time with intent to commit a felony therein.
10. The act of breaking into and entering the offices of the Government and public authorities, or the offices of banks, banking houses, saving banks, trust companies, insurance companies, or other buildings not dwellings, with intent to commit a felony therein.
11. Robbery, defined to be the act of feloniously and forcibly taking from the person of another, goods or money by violence or by putting him in fear.
12. Forgery or the utterance of forged papers.
13. The forgery or falsification of the official acts of the Government or public authority, including Courts of Justice, or the uttering or fraudulent use of any of the same.
14. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, created by National, State, Provincial, Territorial, Local or Municipal Governments, banknotes or other instruments of public credit, counterfeit seals, stamps, dies and marks of State or public administrations, and the utterance, circulation or fraudulent use of the above mentioned objects.

15. Embezzlement or criminal malversation committed within the jurisdiction of one or the other party by public officers or depositaries, where the amount embezzled exceeds two hundred dollars (or Salvadorean equivalent).

16. Embezzlement by any person or persons hired, salaried or employed, to the detriment of their employers or principals, when the crime or offence is punishable by imprisonment or other corporal punishment by the laws of both countries, and where the amount embezzled exceeds two hundred dollars (or the Salvadorean equivalent).

17. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons, in order to exact money from them or their families, or for any other unlawful end.

18. Larceny, defined to be the theft of effects, personal property, horses, cattle, or live stock, or money, of the value of twenty-five dollars (or Salvadorean equivalent) or more, or receiving stolen property, of that value, knowing it to be stolen.

19. Obtaining money, valuable securities or other property by false pretences or receiving any money, valuable securities or other property knowing the same to have been unlawfully obtained, where the amount of money or the value of the property so obtained or received exceeds two hundred dollars (or Salvadorean equivalent).

20. Perjury or subornation of perjury.

21. Fraud or breach of trust by a bailee, banker, agent, factor, trustee, executor, administrator, guardian, director or officer of any Company or Corporation, or by any one in any fiduciary position, where the amount of money or the value of the property misappropriated exceeds two hundred dollars (or Salvadorean equivalent).

22. Crimes and offences against the laws of both countries for the suppression of slavery and slave trading.

23. The extradition is also to take place for participation in any of the aforesaid crimes as an accessory before or after the fact, provided such participation be punishable by imprisonment by the laws of both Contracting Parties.

Article III.

The provisions of this Treaty shall not import claim of extradition for any crime or offence of a political character, nor for acts connected with such crimes or offences; and no person surrendered by or to either of the Contracting Parties in virtue of this Treaty shall be tried or punished for a political crime or offence. When the offence charged comprises the act either of murder or assassination or of poisoning, either consummated or attempted, the fact that the offence was committed or attempted against the life of the Sovereign or Head of a foreign State, or against the life of any member of his family, shall not be deemed sufficient to sustain that such a crime or offence was of a political character, or was an act connected with crimes or offences of a political character.

If any question shall arise as to whether a case comes within the provisions of this Article, the decisions of the authorities of the Government on which the demand for surrender is made, or which may have granted the extradition shall be final.

Article IV.

No person shall be tried or punished for any crime or offence other than that for which he was surrendered without the consent of the Government which surrendered him, which may, if it think proper, require the production of one of the documents mentioned in Article XI of this Treaty.

Article V.

A fugitive criminal shall not be surrendered under the provisions hereof, when, from lapse of time or other lawful cause, according to the laws of the place within the jurisdiction of which the crime was committed, the criminal is exempt from prosecution or punishment for the offence for which the surrender is asked.

Article VI.

If a fugitive criminal whose surrender may be claimed pursuant to the stipulations hereof, be actually under prosecution, out on bail or in custody, for a crime or offence committed in the country where he has sought asylum, or shall have been convicted thereof, his extradition may be deferred until such proceedings be determined, and, until he shall have been set at liberty in due course of law.

Article VII.

If a fugitive criminal claimed by one of the parties hereto, shall be also claimed by one or more powers pursuant to treaty provisions, on account of crimes committed within their jurisdiction, such criminal shall be delivered to that State whose demand is first received.

Article VIII.

Under the stipulations of this Treaty, neither of the Contracting Parties shall be bound to deliver up its own citizens.

Article IX.

The expense of the arrest, detention, examination and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

Article X.

Everything found in the possession of the fugitive criminal at the time of his arrest, whether being the proceeds of the crime or offence, or which may be material as evidence in making proof of the crime, shall, so far as practicable, according to the laws of either of the Contracting Parties, be delivered up with his person at the time of the surrender. Nevertheless the rights of a third party with regard to the articles aforesaid shall be duly respected.

Article XI.

The stipulations of this Treaty shall be applicable to all territory wherever situated, belonging to either of the Contracting Parties or in the occupancy and under the control of either of them, during such occupancy or control.

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic agents of the Contracting Parties. In the event of the absence of such Agents from the country or its seat of Government, requisition may be made by superior Consular officers.

It shall be competent for such Diplomatic or superior Consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges and magistrates of the two Governments shall respectively have power and authority, upon complaint made under oath, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge or magistrate, that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of the fugitive.

The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and in the Republic of El Salvador, respectively, in conformity with the laws regulating extradition for the time being in force in the State in which the request for the surrender is made.

Article XII.

Where the arrest and detention of a fugitive in the United States are desired on telegraphic or other information in advance of the presentation of formal proof, complaint on oath, as provided by the statutes of the United States, shall be made by an agent of the Government of El Salvador before a judge or magistrate authorized to issue warrants of arrest in extradition cases.

When, under the provisions of this Article, the arrest and detention of a fugitive are desired in the Republic of El Salvador, the proper course shall be to apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest or detention of the fugitive.

The provisional detention of a fugitive shall cease and the prisoner be released if a formal requisition for his surrender accompanied by the necessary evidence of his guilt has not been produced under the stipulations of this Treaty, within two months from the date of his provisional arrest or detention.

Article XIII.

In every case of a request made by either of the two Contracting Parties for the arrest, detention or extradition of fugitive criminals, the legal officers or fiscal ministry of the country where the proceed-

ings of extradition are had, shall assist the officers of the Government demanding the extradition before the respective judges and magistrates, by every legal means within their or its power; and no claim whatever for compensation for any of the services so rendered shall be made against the Government demanding the extradition, provided however, that any officer or officers of the surrendering Government so giving assistance, who shall, in the usual course of their duty, receive no salary or compensation other than specific fees for services performed, shall be entitled to receive from the Government demanding the extradition the customary fees for the acts or services performed by them, in the same manner and to the same amount as though such acts or services had been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

ARTICLE XIV.

The conveyance through the territories of either of the High Contracting Parties of any person, not being a citizen of the country to be passed through, extradited by a third Power to either of them for any of the crimes specified in this Treaty, will be permitted if, in the case of the United States, the authority of the Secretary of State and, in that of El Salvador, that of the Minister for Foreign Relations, is first obtained.

ARTICLE XV.

This Treaty shall take effect from the day of the exchange of the ratifications thereof; but either Contracting Party may at any time terminate the same on giving to the other six months' notice of its intention to do so.

The ratifications of the present Treaty shall be exchanged at San Salvador or at Washington as soon as possible.

In witness whereof, the respective Plenipotentiaries have signed the above Articles, and have hereunto affixed their seals.

Done in duplicate, at the City of San Salvador, this eighteenth day of April, one thousand nine hundred and eleven.

(SEAL.) WILLIAM HEIMKÉ.
(SEAL.) M. CASTRO R.

SWEDEN.

1910.

Consular Convention.

Signed at Washington June 1, 1910; ratification advised by the Senate June 13, 1910; ratified by the President February 27, 1911; ratified by Sweden February 3, 1911; ratifications exchanged at Washington March 18, 1911; proclaimed March 20, 1911.

Articles.

I. Consular officers.
II. Most-favored-nation consular privileges.
III. Exemptions.
IV. Testimony by consuls.
V. Arms and flag.
VI. Immunities of officers and archives.
VII. Acting officers.
VIII. Vice consuls and agents.
IX. Application to authorities.
X. Notarial powers.
XI. Shipping disputes.
XII. Deserters from ships.
XIII. Shipwrecks and salvage.
XIV. Estates of deceased persons.
XV. Duration; ratification.

The President of the United States of America and His Majesty the King of Sweden, being mutually desirous of defining the rights, privileges, and immunities of consular officers of the two countries, and deeming it expedient to conclude a consular convention for that purpose, have accordingly named as their Plenipotentiaries:

The President of the United States of America, Philander C. Knox, Secretary of State of the United States of America; and

His Majesty the King of Sweden, Herman Ludvig Fabian de Lagercrantz, his Envoy Extraordinary and Minister Plenipotentiary at Washington;

Who, after having communicated to each other their respective full powers, found to be in good and proper form, have agreed upon the following articles:

Article I.

Each of the High Contracting Parties agrees to receive from the other consuls-general, consuls, vice-consuls-general, vice-consuls, deputy consuls-general, deputy consuls, and consular agents in all its ports, cities, and places, except those where it may not be convenient to recognize such officers. This reservation, however, shall not apply to one of the High Contracting Parties without also applying to every other power.

Article II.

The consuls-general, consuls, vice-consuls-general, vice-consuls, deputy consuls-general, deputy consuls, and consular agents of each

of the two High Contracting Parties shall enjoy reciprocally, in the States of the other, all the privileges, exemptions, and immunities that are enjoyed by officers of the same rank and quality of the most favored nation. The said officers, before being admitted to the exercise of their functions and the enjoyment of the immunities thereto pertaining, shall present their commissions in the forms established in their respective countries. The Government of each of the two High Contracting Parties shall furnish the necessary exequatur free of charge, and, on the exhibition of this instrument, the said officers shall be permitted to enjoy the rights, privileges, and immunities granted by this Convention.

ARTICLE III.

Consuls-general, consuls, vice-consuls-general, vice-consuls, deputy consuls-general, deputy consuls, and consular agents, citizens of the State by which they are appointed, shall be exempt from arrest except in the case of offenses which the local legislation qualifies as crimes and punishes as such; they shall be exempt from military billetings, service in the Regular Army or Navy, in the militia, or in the national guard; they shall likewise be exempt from all direct taxes—national, State, or municipal—imposed upon persons, either in the nature of capitation tax or in respect to their property, unless such taxes become due on account of the possession of real estate, or for interest on capital invested in the country where said officers exercise their functions, or for income from pensions of public or private nature enjoyed from said country. This exemption shall not, however, apply to consuls-general, consuls, vice-consuls-general, vice-consuls, deputy consuls-general, deputy consuls, or consular agents engaged in any profession, business, or trade; but the said officers shall in such case be subject to the payment of the same taxes that would be paid by any other foreigner under the like circumstances.

ARTICLE IV.

When in a civil case a court of one of the two countries shall desire to receive the judicial declaration or deposition of a consul-general, consul, vice-consul, or consular agent, who is a citizen of the State which appointed him, and who is engaged in no commercial business, it shall request him, in writing, to appear before it, and in case of his inability to do so it shall request him to give his testimony in writing, or shall visit his residence or office to obtain it orally, and it shall be the duty of such officer to comply with this request with as little delay as possible; but in all criminal cases, contemplated by the sixth article of the amendments to the Constitution of the United States, whereby the right is secured to persons charged with crimes to obtain witnesses in their favor, the appearance in court of said consular officers shall be demanded, with all possible regard to the consular dignity and to the duties of his office, and it shall be the duty of such officer to comply with said demand. A similar treatment shall also be extended to the consuls of the United States in Sweden, in the like cases.

ARTICLE V.

Consuls-general, consuls, vice-consuls-general, vice-consuls, deputy consuls-general, deputy consuls, and consular agents may place over the outer door of their offices the arms of their nation, with this inscription: Consulate-General, or Consulate, or Vice-Consulate, or Consular Agency of the United States or of Sweden.

They may also raise the flag of their country on their offices, except in the capital of the country when there is a legation there. They may in like manner raise the flag of their country over the boat employed by them in the port and for the exercise of their functions.

ARTICLE VI.

The consular offices shall at all times be inviolable. The local authorities shall not, under any pretext, invade them. In no case shall they examine or seize the papers there deposited. In no case shall those offices be used as places of asylum. When a consular officer is engaged in other business, the papers relating to the consulate shall be kept separate. Nor shall consular officers be required to produce the official archives in court or to testify as to their contents.

ARTICLE VII.

In the event of the death, incapacity, or absence of consuls-general, consuls, vice-consuls-general, vice-consuls, and consular agents, their chancellors or secretaries, whose official character may have previously been made known to the Department of State at Washington or to the Ministry for Foreign Affairs in Sweden, may temporarily exercise their functions, and while thus acting shall enjoy all the rights, prerogatives, and immunities granted to the incumbents.

ARTICLE VIII.

Consuls-general and consuls may, so far as the laws of their country allow, with the approbation of their respective Governments, appoint vice-consuls-general, deputy consuls-general, vice-consuls, deputy consuls, and consular agents in the cities, ports, and places within their consular district. These agents may be selected from among citizens of the United States or of Sweden, or those of other countries. They shall be furnished with a regular commission, and shall enjoy the privileges stipulated for consular officers in this convention, subject to the exceptions specified in Article III.

ARTICLE IX.

Consuls-general, consuls, vice-consuls-general, vice-consuls, and consular agents shall have the right to address the authorities whether, in the United States, of the Union, the States, or the municipalities, or in Sweden, of the State, the Provinces, or the commune, throughout the whole extent of their consular district in order to complain of any infraction of the treaties and conventions between the United States and Sweden, and for the purpose of protecting the rights and

interests of their countrymen. If the complaint should not be satisfactorily redressed, the consular officers aforesaid, in the absence of a diplomatic agent of their country, may apply directly to the Government of the country where they exercise their functions.

Article X.

Consuls-general, consuls, vice-consuls-general, vice-consuls, deputy consuls-general, deputy consuls, and consular agents of the respective countries may, as far as may be compatible with the laws of their own country, take at their offices, their private residences, at the residence of the parties concerned, or on board ship, the depositions of the captains and crews of the vessels of their own country and of passengers thereon, as well as the depositions of any citizen or subject of their own country; draw up, attest, certify, and authenticate all unilateral acts, deeds, and testamentary dispositions of their countrymen, as well as all articles of agreement or contracts to which one or more of their countrymen is or are party; draw up, attest, certify, and authenticate all deeds or written instruments which have for their object the conveyance or encumbrance of real or personal property situated in the territory of the country by which said consular officers are appointed, and all unilateral acts, deeds, testamentary dispositions, as well as articles of agreement or contracts relating to property situated or business to be transacted in the territory of the nation by which the said consular officers are appointed; even in cases where said unilateral acts, deeds, testamentary dispositions, articles of agreement, or contracts are executed solely by citizens or subjects of the country within which said consular officers exercise their functions.

All such instruments and documents thus executed and all copies and translations thereof, when duly authenticated by such consul-general, consul, vice-consul-general, vice-consul, deputy consul-general, deputy consul, or consular agent under his official seal, shall be received as evidence in the United States and in Sweden as original documents or authenticated copies, as the case may be, and shall have the same force and effect as if drawn up by and executed before a notary or public officer duly authorized in the country by which said consular officer was appointed; provided, always, that they have been drawn and executed in conformity to the laws and regulations of the country where they are intended to take effect.

Article XI.

The respective consuls-general, consuls, vice-consuls-general, vice-consuls, deputy consuls-general, deputy consuls, and consular agents shall have exclusive charge of the internal order of the merchant vessels of their nation, and shall alone take cognizance of any differences which may arise, either at sea or in port, between the captains, officers, and crews, without exception, particularly in reference to the adjustment of wages and the execution of contracts. The local authorities shall not interfere, except when the disorder that has arisen is of such a nature as to disturb tranquility and public order on shore or in the port, or when a person of the country or not belonging to the crew shall be concerned therein.

In all other cases the aforesaid authorities shall confine themselves to lending aid to the said consular officers, if they are requested by them to do so, in causing the arrest and imprisonment of any person whose name is inscribed on the crew list whenever, for any cause, the said officers shall think proper.

Article XII.

The respective consuls-general, consuls, vice-consuls-general, vice-consuls, deputy consuls-general, deputy consuls, and consular agents may cause to be arrested the officers, sailors, and all other persons making part of the crews in any manner whatever, of ships of war or merchant vessels of their nation, who may be guilty, or be accused, of having deserted said ships and vessels, for the purpose of sending them on board or back to their country. To this end they shall address the competent local authorities of the respective countries, in writing, and shall make to them a written request for the deserters, supporting it by the exhibition of the register of the vessel and list of the crew, or by other official documents, to show that the persons claimed belong to the said ship's company. Upon such request thus supported, the delivery to them of the deserters can not be refused, unless it should be duly proved that they were citizens of the country where their extradition is demanded at the time of their being inscribed on the crew list. All the necessary aid and protection shall be furnished for the pursuit, seizure, and arrest of the deserters, who shall even be put and kept in the prisons of the country, at the request and expense of the consular officers, until there may be an opportunity for sending them away. If, however, such an opportunity should not present itself within the space of two months, counting from the day of the arrest, the deserters shall be set at liberty, nor shall they be again arrested for the same cause.

If the deserter has committed any misdemeanor, and the court having the right to take cognizance of the offense shall claim and exercise it, the delivery of the deserter shall be deferred until the decision of the court has been pronounced and executed.

Article XIII.

All proceedings relative to the salvage of vessels of the United States wrecked upon the coasts of Sweden, and of Swedish vessels wrecked upon the coasts of the United States, shall be directed by the consuls-general, consuls, vice-consuls-general, and vice-consuls of the two countries, respectively, and until their arrival by the respective consular agents, wherever an agency exists. In the places and ports where an agency does not exist, the local authorities until the arrival of the consular officer in whose district the wreck may have occurred, and who shall be immediately informed of the occurrence, shall take all necessary measures for the protection of persons and the preservation of wrecked property. The local authorities shall not otherwise interfere than for the maintenance of order, the protection of the interests of the salvors, if these do not belong to the crews that have been wrecked, and to carry into effect the arrangements made for the entry and exportation of the merchandise saved. It is understood that such merchandise is not to be subjected to any

custom-house charges, unless it be intended for consumption in the country where the wreck may have taken place.

The intervention of the local authorities in these different cases shall occasion no expense of any kind, except such as may be caused by the operations of salvage and the preservation of the goods saved, together with such as would be incurred under similar circumstances by vessels of the nation.

ARTICLE XIV.

In case of the death of any citizen of Sweden in the United States or of any citizen of the United States in the Kingdom of Sweden without having in the country of his decease any known heirs or testamentary executors by him appointed, the competent local authorities shall at once inform the nearest consular officer of the nation to which the deceased belongs of the circumstances, in order that the necessary information may be immediately forwarded to parties interested.

In the event of any citizens of either of the two Contracting Parties dying without will or testament, in the territory of the other Contracting Party, the consul-general, consul, vice-consul-general, or vice-consul of the nation to which the deceased may belong, or, in his absence, the representative of such consul-general, consul, vice-consul general, or vice-consul, shall, so far as the laws of each country will permit and pending the appointment of an administrator and until letters of administration have been granted, take charge of the property left by the deceased for the benefit of his lawful heirs and creditors, and, moreover, have the right to be appointed as administrator of such estate.

It is understood that when, under the provisions of this article, any consul-general, consul, vice-consul-general, or vice-consul, or the representative of each or either, is acting as executor or administrator of the estate of one of his deceased nationals, said officer or his representative shall, in all matters connected with, relating to, or growing out of the settlement of such estates, be in such capacities as fully subject to the jurisdiction of the courts of the country wherein the estate is situated as if said officer or representative were a citizen of that country and possessed of no representative capacity whatsoever.

The citizens of each of the Contracting Parties shall have power to dispose of their personal goods within the jurisdiction of the other, by sale, donation, testament, or otherwise, and their representatives, being citizens of the other Party, shall succeed to their personal goods, whether by testament or *ab intestato*, and they may in accordance with and acting under the provisions of the laws of the jurisdiction in which the property is found take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein such goods are shall be subject to pay in like cases.

As for the case of real estate, the citizens and subjects of the two Contracting Parties shall be treated on the footing of the most-favored nation.

ARTICLE XV.

The present convention shall remain in force for the space of ten years, counting from the day of the exchange of the ratifications,

which shall be made in conformity with the respective Constitutions of the two countries, and exchanged at Washington as soon as possible within the period of one year. In case neither Party gives notice, twelve months before the expiration of the said period of ten years, of its intention not to renew this Convention, it shall remain in force one year longer, and so on, from year to year, until the expiration of a year from the day on which one of the Parties shall have given such notice.

In faith whereof the respective Plenipotentiaries have signed this Convention, and have hereunto affixed their seals.

Done in duplicate at the City of Washington this first day of June, one thousand nine hundred and ten.

[SEAL] P. C. KNOX.

[SEAL] H. L. F. LAGERCRANTZ.

INTERNATIONAL CONVENTIONS AND ACTS TO WHICH THE UNITED STATES IS A PARTY AND WHICH ARE IN FORCE.

INTERNATIONAL CONVENTIONS AND ACTS TO WHICH THE UNITED STATES IS A PARTY.

1906.

CONVENTION.

PECUNIARY CLAIMS.

Signed at Rio de Janeiro August 13, 1906; ratification advised by the Senate March 2, 1907; ratified by the President March 13, 1907; ratification of the United States deposited with the Government of Brazil April 23, 1907; proclaimed January 28, 1913.

SOLE ARTICLE.

Extension of the treaty on pecuniary claims signed at Mexico, January 30, 1902.

Their Excellencies, the Presidents of Ecuador, Paraguay, Bolivia, Colombia, Honduras, Panamá, Cuba, the Dominican Republic, Peru, El Salvador, Costa Rica, the United States of Mexico, Guatemala, Uruguay, the Argentine Republic, Nicaragua, the United States of Brazil, the United States of America, and Chile;

Desiring that their respective countries should be represented at the Third International American Conference, sent thereto, duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

Ecuador—Dr. Emilio Arévalo; Olmedo Alfaro.

Paraguay—Manuel Gondra; Arsenio López Decoud; Gualberto Cardús y Huerta;

Bolivia—Dr. Alberto Gutiérrez; Dr. Carlos V. Romero;

Colombia—Rafael Uribe Uribe; Dr. Guillermo Valencia;

Honduras—Fausto Dávila;

Panamá—Dr. José Domingo de Obaldía;

Cuba—Dr. Gonzalo de Quesada; Rafael Montoro; Dr. Antonio González Lanuza;

Dominican Republic—E. C. Joubert;

Peru—Dr. Eugenio Larrabure y Unánue; Dr. Antonio Miró Quesada; Dr. Mariano Cornejo;

El Salvador—Dr. Francisco A. Reyes;

Costa Rico—Dr. Ascensión Esquivel;

United States of Mexico—Dr. Francisco León de La Barra; Ricardo Molina-Hübbe; Ricardo García Granados;

Guatemala—Dr. Antonio Batres Jáuregui;

Uruguay—Luís Melian Lafinur; Dr. Antonio María Rodríguez; Dr. Gonzalo Ramírez;

Argentine Republic—Dr. J. V. González; Dr. José A. Terry; Dr. Eduardo L. Bidau;

Nicaragua—Luís F. Corea;

United States of Brazil—Dr. Joaquim Aurelio Nabuco de Araujo; Dr. Joaquim Francisco de Assis Brasil; Dr. Gastão da Cunha; Dr. Alfredo de Moraes Gomes Ferreira; Dr. João Pandiá Calogeras; Dr. Amaro Cavalcanti; Dr. Joaquim Xavier da Silveira; Dr. José P. da Graça Aranha; Antonio da Fontoura Xavier;

United States of America—William I. Buchanan; Dr. L. S. Rowe; A. J. Montague; Tulio Larrinaga; Dr. Paul S. Reinsch; Van Leer Polk.

Chili—Dr. Anselmo Hevia Riquelme; Joaquín Walker Martínez; Dr. Luís Antonio Vergara; Dr. Adolfo Guerrero;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, have agreed, to celebrate a Convention extending the Treaty on Pecuniary Claims celebrated in Mexico on the thirtieth of January nineteen hundred and two, in the following terms:

The High Contracting Parties, animated by the desire to extend the term of duration of the Treaty on pecuniary claims, signed at Mexico, January thirtieth. nineteen hundred and two, and believing that, under present conditions, the reasons underlying the third article of said Treaty have disappeared, have agreed upon the following:

Sole article. The treaty on pecuniary claims, signed at Mexico, January thirtieth, nineteen hundred and two, shall continue in force, with the exception of the third article, which is hereby abolished, until the thirty-first day of December, nineteen hundred and twelve, both for the nations which have already ratified it, and for those which may hereafter ratify it.[a]

In testimony whereof the Plenipotenciaries and Delegates have signed the present Convention, and affixed the Seal of the Third International American Conference.

Made in the city of Rio de Janeiro the thirteenth of August nineteen hundred and six, in English, Portuguese, and Spanish, and deposited with the Secretary of Foreign Affairs of the United States of Brazil. in order that certified copies thereof be made, and sent through diplomatic channels to the signatory States.

For Ecuador:

EMILIO ARÉVALO.
OLMEDO ALFARO.

For Paraguay:

MANOEL GONDRA.
ARSENIO LÓPEZ DECOUD.
GUALBERTO CARDÚS Y HUERTA.

For Bolivia:

ALBERTO GUTIÉRREZ.
CARLOS V. ROMERO.

For Colombia:

RAFAEL URIBE URIBE.
GUILLERMO VALENCIA.

For Honduras:

FAUSTO DÁVILA.

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[a] See vol. 2, p. 2062.

For Panamá:

José Domingo de Obaldía.

For Cuba:

Gonzalo de Quesada.
Rafael Montoro.
Antonio González Lanuza.

For the Dominican Republic:

Emilio C. Joubert.

For Peru:

Eugenio Larrabure y Unánue.
Antonio Miró Quesada.
Mariano Cornejo.

For El Salvador:

Francisco A. Reyes.

For Costa Rica:

Ascensión Esquivel.

For the United States of Mexico:

Francisco León de La Barra.
Ricardo Molina-Hübbe.
Ricardo García Granados.

For Guatemala:

Antonio Batres Jáuregui.

For Uruguay:

Luís Melian Lafinur.
Antonio María Rodríguez.
Gonzalo Ramírez.

For the Argentine Republic:

J. V. González.
José A. Terry.
Eduardo L. Bidau.

For Nicaragua:

Luís F. Corea.

For the United States of Brazil:

Joaquim Aurelio Nabuco de Araujo.
Joaquim Francisco de Assis Brasil.
Gastão da Cunha.
Alfredo de Moraes Gomes Ferreira.
João Pandá Calogeras.
Amaro Cavalcanti.
Joaquim Xavier Silveira.
José P. da Graça Aranha.
Antonio da Fontoura Xavier.

For the United States of America:

William I. Buchanan.
L. S. Rowe.
A. J. Montague.
Tulio Larrinaga.
Paul S. Reinsch.
Van Leer Polk.

For Chili:

Anselmo Hevia Riquelme.
Joaquín Walker Martínez.
Luís Antonio Vergara.
Adolfo Guerrero.

I hereby certify that the above and foregoing is a true copy of a convention adopted by the Third International Conference of the American States held at Rio de Janeiro, Brazil, July 23rd to August 27th, 1906.

Done at Washington, D. C., February 7, A. D. 1907.

JOAQUIM NABUCO
President of the Third International Conference of the American States.

And whereas the said Convention has been duly ratified by the United States of America, (by and with the advice and consent of the Senate thereof) and by the Governments of Colombia, Cuba, Guatemala, the United States of Mexico, Chile, Costa Rica, Nicaragua, Ecuador, Honduras, Panama, and Salvador;

Now, therefore, be it known that I, WILLIAM HOWARD TAFT, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this twenty-eighth day of January in the year of our Lord one thousand nine hundred
[SEAL] and thirteenth, and of the independence of the United States of America the one hundred and thirty-seventh.

WM H TAFT

By the President:
P C KNOX
Secretary of State.

1906.

Convention.

STATUS OF NATURALIZED CITIZENS.

Signed at Rio de Janeiro August 13, 1906; ratification advised by the Senate January 13, 1908; ratified by the President January 16, 1909; ratification of the United States deposited with the Government of Brazil February 25, 1908; proclaimed January 28, 1913.

ARTICLES.

I. Renunciation of citizenship acquired by naturalization.
II. Presumption as to intention not to return to country where naturalized.
III. Effect and duration of convention.
IV. Method of denunciation.

ESTABLISHING THE STATUS OF NATURALIZED CITIZENS WHO AGAIN TAKE UP THEIR RESIDENCE IN THE COUNTRY OF THEIR ORIGIN.

Their Excellencies, the Presidents of Ecuador, Paraguay, Bolivia, Colombia, Honduras, Panamá, Cuba. Peru, El Salvador, Costa Rica, the United States of Mexico, Guatemala, Uruguay, the Argentine

Republic, Nicaragua, the United States of Brazil, the United States of America, and Chile;

Desiring that their respective countries should be represented at the Third International American Conference, sent, thereto, duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

Ecuador—Dr. Emilio Arévalo; Olmedo Alfaro.

Paraguay—Manuel Gondra; Arsenio López Decoud; Gualberto Cardús y Huerta;

Bolivia—Dr. Alberto Gutiérrez; Dr. Carlos V. Romero;

Colombia—Rafael Uribe Uribe; Dr. Guillermo Valencia;

Honduras—Fausto Dávila;

Panamá—Dr. José Domingo de Obaldía;

Cuba—Dr. Gonzalo de Quesada; Rafael Montoro; Dr. Antonio González Lanuza;

Peru—Dr. Eugenio Larrabure y Unánue; Dr. Antonio Miró Quesada; Dr. Mariano Cornejo;

El Salvador—Dr. Francisco A. Reyes;

Costa Rica—Dr. Ascención Esquivel;

United States of Mexico—Dr. Francisco León de La Barra; Ricardo Molina-Hübbe; Ricardo García Granados;

Guatemala—Dr. Antonio Batres Jáuregui;

Uruguay—Luís Melian Lafinur; Dr. Antonio María Rodríguez; Dr. Gonzalo Ramírez;

Argentine Republic—Dr. J. V. González; Dr. José A. Terry; Dr. Eduardo L. Bidau;

Nicaragua—Luís F. Corea;

United States of Brazil—Dr. Joaquim Aurelio Nabuco de Araujo; Dr. Joaquim Francisco de Assis Brasil; Dr. Gastão da Cunha; Dr. Alfredo de Moraes Gomes Ferreira; Dr. João Pandiá Calogeras; Dr. Amaro Cavalcanti; Dr. Joaquim Xavier da Silveira; Dr. José P. da Graça Aranha; Antonio da Fontoura Xavier;

United States of America—William I. Buchanan; Dr. L. S. Rowe; A. J. Montague; Tulio Larrinaga; Dr. Paul S. Reinsch; Van Leer Polk;

Chili—Dr. Anselmo Hevia Riquelme; Joaquín Walker Martínez; Dr. Luís Antonio Vergara; Dr. Adolfo Guerrero;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, have agreed, to celebrate a Convention establishing the status of naturalized citizens who again take up their residence in the country of their origin, in the following terms:

ART. I. If a citizen, a native of any of the countries signing the present Convention, and naturalized in another, shall again take up his residence, in his native country without the intention of returning to the country in which he has been naturalized, he will be considered as having reassumed his original citizenship, and as having renounced the citizenship acquired by the said naturalization.

ART. II. The intention not to return will be presumed to exist when the naturalized person shall have resided in his native country for more than two years. But this presumption may be destroyed by evidence to the contrary.

ART. III. This Convention will become effective in the countries that ratify it, three months from the dates upon, which said ratifications shall be communicated to the Government of the United States of Brazil; and if it should be denounced by any one of them, it shall continue in effect for one year more, to count from the date of such denouncement.

ART. IV. The denouncement of this Convention by any one of the signatory States shall be made to the Government of the United States of Brazil and shall take effect only with regard to the country that may make it.

In testimony whereof the Plenipotentiaries and Delegates have signed the present Convention, and affixed the Seal of the Third Internacional American Conference.

Made in the city of Rio de Janeiro the thirteenth of August nineteen hundred and six, in English, Portuguese, and Spanish, and deposited with the Secretary of Foreign Affairs of the United States of Brazil, in order that certified copies thereof be made, and sent through diplomatic channels to the signatory States.

For Ecuador:

EMILIO ARÉVALO.
OLMEDO ALFARO.

For Paraguay:

Manoel Gondra.
Arsenio López Decoud.
Gualberto Cardús y Huerta.

For Bolivia:

Alberto Gutiérrez.
Carlos V. Romero.

For Colombia:

Rafael Uribe Uribe.
Guillermo Valencia.

For Honduras:

Fausto Dávila.

For Panamá:

José Domingo de Obaldía.

For Cuba:

Gonzalo de Quesada.
Rafael Montoro.
Antonio González Lanuza.

For Peru.

Eugenio Larrabure y Unánue.
Antonio Miró Quesada.
Mariano Cornejo.

For El Salvador:

Francisco A. Reyes.

For Costa Rica:

Ascencíon Esquivel.

For the United States of Mexico:

Francisco Léon de La Barra.
Ricardo Molina-Hübbe.
Ricardo García Granados.

For Guatemala:

Antonio Batres Jáuregui.

For Uruguay:

Luis Melian Lafinur.
Antonio Maria Rodriguez.
Gonzalo Ramírez.

For the Argentine Republic:

J. V. González.
José A. Terry.
Eduardo L. Bidau.

For Nicaragua:

Luís F. Corea.

For the United States of Brazil:

Joaquim Aurelio Nabuco de Araujo.
Joaquim Francisco de Assis Brasil.
Gastão da Cunha.
Alfredo de Moraes Gomes Ferreira.
João Pandiá Calogeras.
Amaro Cavalcanti.
Joaquim Xavier da Silveira.
José P. da Graça Aranha.
Antonio da Fontoura Xavier.

For the United States of America:

WILLIAM I. BUCHANAN.
L. S. ROWE.
A. J. MONTAGUE.
TULIO LARRINAGA.
PAUL. S. REINSCH.
VAN LEER POLK.

For Chili:

ANSELMO HEVIA RIQUELME.
JOAQUÍN WALKER MARTÍNEZ.
LUÍS ANTONIO VERGARA.
ADOLFO GUERRERO.

I hereby certify that the above and foregoing is a true copy of a convention adopted by the Third International Conference of the American States held at Rio de Janeiro, Brazil, July 23rd to August 27th, 1906.

Done at Washington, D. C., February 7, A. D. 1907.

JOAQUIM NABUCO,
President of the Third International Conference of the American States.

And whereas the said Convention has been duly ratified by the United States of America, (by and with the advice and consent of the Senate thereof) and by the Governments of Colombia, Chile, Costa Rica, Nicaragua, Guatemala, Brazil, the United States of Mexico, Ecuador, Honduras, Panama, Salvador, and the Argentine Republic;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this twenty-eighth day of January in the year of our Lord one thousand nine hundred and thirteen, and of the Independence of the United States of America the one hundred and thirty-seventh.

[SEAL.]

WM H TAFT

By the President:
P C KNOX
Secretary of State.

1906.

Convention.

International Law Commission.

Signed at Rio de Janeiro August 23, 1906; ratification advised by the Senate February 3, 1908; ratified by the President February 8, 1908; proclaimed May 1, 1912.

Articles.

I. Composition of International Commission of Jurists.
II. Notice of appointment of members of commission.
III. First meeting.
IV. Creation of committee.
V. Scope of work.
VI. Expenses.
VII. Principles.
VIII. Ratification.

Their Excellencies, the Presidents of Ecuador, Paraguay, Bolivia, Colombia, Honduras, Panamá, Cuba, Peru, the Dominican Republic, El Salvador, Costa Rica, the United States of Mexico, Guatemala, Uruguay, the Argentine Republic, Nicaragua, the United States of Brazil, the United States of America, and Chile;

Desiring that their respective countries should be represented at the Third International American Conference, sent, thereto, duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following delegates:

Ecuador—Dr. Emilio Arévalo; Olmedo Alfaro.

Paraguay—Manuel Gondra; Arsenio López Decoud; Gualberto Cardús y Huerta;

Bolivia—Dr. Alberto Gutiérrez; Dr. Carlos V. Romero;

Colombia—Rafael Uribe Uribe; Dr. Guillermo Valencia;

Honduras—Fausto Dávila.

Panamá—Dr. José Domingo de Obaldía.

Cuba—Dr. Gonzalo de Quesada; Rafael Montoro; Dr. Antonio González Lanuza;

Dominican Republic—E. C. Joubert;

Peru—Dr. Eugenio Larrabure y Unánue; Dr. Antonio Miró Quesada; Dr. Mariano Cornejo;

El Salvador—Dr. Francisco A. Reyes;

Costa Rica—Dr. Ascención Esquivel;

United States of Mexico—Dr. Francisco León de La Barra; Ricardo Molina-Hübbe; Ricardo García Granados;

Guatemala—Dr. Antonio Batres Jáuregui;

Uruguay—Luís Melian Lafinur; Dr. Antonio María Rodríguez; Dr. Gonzalo Ramírez;

Argentine Republic—Dr. J. V. González; Dr. José A. Terry; Dr. Eduardo L. Bidau;

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Nicaragua—Luís F. Corea;

United States of Brazil—Dr. Joaquim Aurelio Nabuco de Araujo; Dr. Joaquim Francisco de Assis Brasil; Dr. Gastãt da Cunha; Dr. Alfredo de Moraes Gomes Ferreira; Dr. João Pandiá Calogeras; Dr. Amaro Cavalcanti; Dr. Joaquim Xavier da Silveira; Dr. José P. da Graça Aranha; Antonio da Fontoura Xavier;

United States of America—William I. Buchanan; Dr. L. S. Rowe; A. J. Montague; Tulio Larrinaga; Dr. Paul S. Reinsch; Van Leer Polk;

Chili—Dr. Anselmo Hevia Riquelme; Joaquin Walker Martínez; Dr. Luís Antonio Vergara; Dr. Adolfo Guerrero;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, have agreed, to establish an international Commission of Jurists, in the following terms:

Art. 1. There shall be established an international Commission of Jurists, composed of one representative from each of the signatory States, appointed by their respective Governments, which commission shall meet for the purpose of preparing a draft of a Code of Private International Law and one of Public International Law, regulating the relations between the Nations of America. Two or more Governments may appoint a single representative, but such representative shall have but one vote.

Art. 2. Notice of the appointment of the members of the Commission shall be addressed by the Governments adhering to this Convention, to the Government of the United States of Brazil, which shall take the necessary steps for the holding of the first meeting.

Notice of these appointments shall be communicated to the Government of the United States of Brazil before April 1st, 1907.

Art. 3. The first meeting of said Commission shall he held in the City of Rio de Janeiro during the year 1907. The presence of at least twelve of the representatives of the signatory States shall be necessary for the organization of the Commission.

Said Commission shall designate the time and place for subsequent sessions, provided, however, that sufficient time be allowed from the date of the final meeting to permit of the submission to the signatory States of all drafts or all important portions thereof at least one year before the date fixed for the Fourth International American Conference.

Art. 4. Said Commission after having met for the purpose of organization and for the distribution of the work to the members thereof, may divide itself into two distinct committees, one to consider the preparation of a draft of a Code of Private International Law, and the other for the preparation of a Code of Public International Law. In the event of such division being made, the committees must proceed separately until they conclude their duties, or else as provided in the final clause of article three.

In order to expedite and increase the efficiency of this work, both committees may request the Governments to assign experts for the consideration of especial topics. Both committees shall also have the power to determine the period within which such special reports shall be presented.

Art. 5. In order to determine the subjects to be included within the scope of the work of the Commission, the Third International Con-

ference recommends to the Commissions that they give special attention to the subjects and principles which have been agreed upon in existing treaties and conventions, as well as to those which are incorporated in the national laws of the American States, and furthermore recommends to the special attention of the Commission the Treaties of Montevideo of 1889 and the debates relating thereto, as well as the projects of conventions adopted at the Second International Conference of the American States held in Mexico in 1902, and the discussions thereon: also all other questions which give promise of juridical progress, or which tend to eliminate the causes of misunderstanding or conflicts between said States.

Art. 6. The expense incident to the preparation of the drafts, including the compensation for technical studies made pursuant to article four, shall be defrayed by all the signatory States in the proportion and form established for the support of the International Bureau of the American Republics, of Washington, with the exception of the compensation of the members of the Commission, which shall be paid to the representatives by their respective Governments.

Art. 7. The Fourth Internatioanl Conference of the American States shall embody in one or more treaties, the principles upon which an agreement may be reached, and shall endeavor to secure their adoption and ratification by the Nations of America.

Art. 8. The Governments desiring to ratify this Convention, shall so advise the Government of the United States of Brazil, in order that the said Government may notify the other Governments through diplomatic channels, such action taking the place of an exchange of Notes.

In testimony whereof the Plenipotentiaries and Delegates have signed the present Convention, and affixed the Seal of the Third International American Conference.

Made in the city of Rio de Janeiro the twenty-third day of August, nineteen hundred and six, in English. Portguese, and Spanish, and deposited with the Secretary of Foreign Affairs of the United States of Brazil, in order that certified copies thereof be made, and sent through diplomatic channels to the signatory States.

For Ecuador—Emilio Arévalo, Olmedo Alfaro.

For Paraguay—Manoel Gondra, Arsenio López Decoud, Gualberto Cardús y Huerta.

For Bolivia—Alberto Gutiérrez, Carlos V. Romero.

For Colombia—Rafael Uribe Uribe, Guillermo Valencia.

For Honduras—Fausto Dávila.

For Panamá—José Domingo de Obaldía.

For Cuba—Gonzalo de Quesada, Rafael Montoro, Antonio González Lanuza.

For the Dominican Republic—Emilio C. Joubert.

For Peru—Eugenio Larrabure y Unánue, Antonio Miró Quesada, Mariana Cornejo.

For the United States of Brazil—Joaquim Aurelio Nabuco de Araujo, Joaquim Francisco de Assis Brasil, Gastão da Cunha, Alfredo de Moraes Gomes Ferreira, João Pandiá Calogeras, Amaro Cavalcanti, Joaquim Xavier da Silveira, José P. da Graça Aranha, Antonio da Fontoura Xavier.

For El Salvador—Francisco A. Reyes.

For Costa Rica—Ascensión Esquivel.

For the United States of Mexico—Francisco León de La Barra, Ricardo Molina-Hübbe, Ricardo Garciá Granados.
For Guatemala—Antonio Batres Jáuregui.
For Uruguay—Luís Melian Lafinur, Antonio María Rodríguez, Gonzalo Ramírez.
For the Argentine Republic—J. V. González, José A. Terry, Eduardo L. Bidau.
For Nicaragua—Luís F. Corea.
For the United States of America—William I. Buchanan, L. S. Rowe, A. J. Montague, Tulio Larrinaga, Paul S. Reinsch, Van Leer Polk.
For Chili—Anselmo Hevia Riquelme, Joaquín Walker Martínez, Luís Antonio Vergara, Adolfo Guerrero.

I hereby certify that the above and foregoing is a true copy of a convention adopted by the Third International Conference of the American States held at Rio de Janeiro, Brazil, July 23rd to August 27th, 1906.

Done at Washington, D. C., February 7, A. D. 1907.

Joaquim Nabuco,
President of the Third International Conference of the American States.

And whereas the said Convention has been duly ratified by the United States of America, (by and with the advice and consent of the Senate thereof) and by the Governments of the Argentine Republic, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Panama, Salvador and Uruguay:

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this first day of May in the year of our Lord one thousand nine hundred and twelve, and [seal.] of the Independence of the United States of America the one hundred and thirty-sixth.

Wm H Taft

By the President:
Huntington Wilson
Acting Secretary of State.

1910.[a]

ARRANGEMENT BETWEEN THE UNITED STATES AND OTHER POWERS RELATIVE TO THE REPRESSION OF THE CIRCULATION OF OBSCENE PUBLICATIONS.

Signed at Paris May 4, 1910; ratification advised by the Senate January 13, 1911; ratified by the President February 4, 1911; ratification of the United States deposited with the Government of the French Republic March 15, 1911; proclaimed April 13, 1911.

ARTICLES.

I. Establishment or designation of authority.
II. Correspondence.
III. Bulletins of sentences.
IV. Adhesion by non-signatory powers.
V. Effect; denunciation.
VI. Ratification.
VII. Enforcement in colonies.
VIII. Date.

[Translation.]

ARRANGEMENT RELATIVE TO THE REPRESSION OF THE CIRCULATION OF OBSCENE PUBLICATIONS.

The Governments of the Powers hereinbelow named, equally desirous of facilitating within the scope of their respective legislation, the mutual interchange of information with a view to tracing and repressing offences connected with obscene publications, have resolved to conclude an arrangement to that end and have, in consequence, designated their plenipotentiaries who met in conference at Paris from April 18 to May 4, 1910, and agreed on the following provisions:

ARTICLE I.

Each one of the Contracting Powers undertakes to establish or designate an authority charged with the duty of

(1) Centralizing all information which may facilitate the tracing and repressing of acts constituting infringements of their municipal law as to obscene writings, drawings, pictures or articles, and the constitutive elements of which bear an international character.

(2) Supplying all information tending to check the importation of publications or articles referred to in the foregoing paragraph and also to insure or expedite their seizure all within the scope of municipal legislation.

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[a] Adhered to by Denmark, April 8, 1911; Germany for all German colonies, August 25, 1911; and by Canada, September 11, 1911.

(3) Communicating the laws that have already been or may subsequently be enacted in their respective States in regard to the object of the present Arrangement.

The Contracting Governments shall mutually make known to one another, through the Government of the French Republic, the authority established or designated in accordance with the present Article.

ARTICLE II.

The authority designated in Article I shall be empowered to correspond directly with the like service established in each one of the other Contracting States.

ARTICLE III.

The authority designated in Article I shall be bound, if there be nothing to the contrary in the municipal law of its country, to communicate bulletins of the sentences passed in the said country to the similar authorities of all the other Contracting States in cases of offences coming under Article I.

ARTICLE IV.

Non-Signatory States will be permitted to adhere to the present Arrangement. They shall notify their intention to that effect by means of an instrument which shall be deposited in the archives of the Government of the French Republic. The said Government shall send through diplomatic channel a certified copy of the said instrument to each one of the Contracting States and shall at the same time apprize them of the date of deposit.

Six months after that date the Arrangement will go into effect throughout the territory of the adhering State which will thereby become a Contracting State.

ARTICLE V.

The present Arrangement shall take effect six months after the date of deposit of the ratifications.

In the event of one of the Contracting States denouncing it, the denunciation would only have effect in regard to that State.

The denunciation shall be notified by an instrument which shall be deposited in the archives of the Government of the French Republic. The said Government shall send through the diplomatic channel a certified copy thereof to each one of the Contracting States and at the same time apprize them of the date of deposit.

Twelve months after that date the Arrangement shall cease to be in force throughout the territory of the denouncing State.

ARTICLE VI.

The present Arrangement shall be ratified and the ratifications shall be deposited at Paris as soon as six of the Contracting States shall be in position to do so.

A procés verbal of every deposit of ratifications shall be drawn up and a certified copy thereof shall be delivered through the diplomatic channel to each one of the Contracting States.

ARTICLE VII.

Should a Contracting State wish to enforce the present Arrangement in one or more of its colonies, possessions or consular court districts, it shall notify its intention to that effect by an instrument which shall be deposited in the archives of the Government of the French Republic. The said Government shall send through the diplomatic channel a certified copy to each one of the Contracting States and at the same time apprize it of the date of the deposit.

Six months after that date the Arrangement shall go into effect in the colonies, possessions or consular court districts specified in the instrument of notification.

The denunciation of the Arrangement by one of the Contracting States in behalf of one or more of its colonies, possessions or consular court districts will be effected in the form and under the conditions set forth in the first paragraph of this Article. It will become operative twelve months after the date of the deposit of the instrument of denunciation in the archives of the Government of the French Republic.

ARTICLE VIII.

The present Arrangement which will bear date of May 4, 1910, may be signed at Paris until the following 31st of July by the Plenipotentiaries of the Powers represented at the Conference relative to the repression of the circulation of obscene publications.

Done at Paris, the fourth day of May one thousand nine hundred and ten in a single copy of which a certified copy shall be delivered to each one of the signatory Powers.

For Germany:
(L. S.) Signed ALBRECHT LEUTZE.
(L. S.) Signed CURT JOEL.

For Austria and Hungary:
(L. S.) Signed A. NEMES,
Chargé d'Affaires of Austria-Hungary.

For Austria:
(L. S.) Signed J. EICHHOFF,
Austrian Imperial and Royal Section Counselor.

For Hungary:
(L. S.) Signed G. LERS,
Hungarian Royal Ministerial Counselor.

For Belgium:
(L. S.) Signed JULES LEJEUNE,
(L. S.) Signed ISIDORE MAUS.

For Brazil:
(L. S.) Signed J. C. DE SOUZA BANDEIRA.

For Denmark:
(L. S.) Signed C. E. COLD.

For Spain:
(L. S.) Signed OCTAVIO CUARTERO.
For the United States:
(L. S.) Signed A. BAILLY-BLANCHARD.
For France:
(L. S.) Signed R. BÉRENGER.
For Great Britain:
(L. S.) Signed E. W. FARNALL.
(L. S.) Signed F. S. BULLOCK.
(L. S.) Signed G. A. AITKEN.
For Italy:
(L. S.) Signed J. C. BUZZATTI.
(L. S.) Signed GEROLAMO CALVI.
For the Netherlands:
(L. S.) Signed A. DE STUERS.
(L. S.) Signed RETHAAN MACARE.
For Portugal:
(L. S.) Signed COUNT DE SOUZA ROZA.
For Russia:
(L. S.) Signed ALEXIS DE BELLEGARDE.
(L. S.) Signed WLADIMIR DERUGINSKY.
For Switzerland:
(L. S.) Signed LARDY.

1911.

International Convention for the Unification of Certain Rules of Law with Respect to Assistance and Salvage at Sea.[a]

Signed at Brussels September 23, 1910; ratification advised by the Senate January 18, 1912; ratified by the President March 14, 1912; ratification of the United States deposited with the Government of Belgium January 25, 1913; deposit of ratifications closed February 1, 1913; convention effective March 1, 1913; proclaimed February 13, 1913.

Articles.

I. Vessels subject to provisions of convention.
II. Remuneration.
III. Persons entitled to remuneration.
IV. Right of tug to remuneration.
V. Remuneration in case vessels belong to same owner.
VI. Remuneration to be fixed by parties or court.
VII. Annullment of agreement.
VIII. Circumstances govern remuneration fixed by court.
IX. Exemption of persons saved.
X. Limitation of actions.
XI. Assistance to be rendered by master.
XII. Notice of existing or proposed legislation.
XIII. Scope of convention respecting national laws or international treaties.
XIV. Exemption of ships of war and ships devoted to public service.
XV. Application of provisions as to all persons.
XVI. Call for new conference.
XVII. Adhesion by non-signatory powers.
XVIII. Duration, ratification.
XIX. Denunciation.

[Translation.]

Convention for the Unification of Certain Rules with Respect to Assistance and Salvage at Sea.

His Majesty the German Emperor, King of Prussia, in the name of the German Empire; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc. and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the United States of Brazil; the President of the Republic of Chili; the President of the Republic of Cuba; His Majesty the King of Denmark; His Majesty the King of Spain; the President of the United States of America; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; His Majesty the King of Italy; His Majesty the Emperor of Japan; the President of the United Mexican States; the President of the Republic of Nicaragua; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; His Majesty the King of Portugal and of the Algarves; His Majesty the King of Roumania; His Majesty the Emperor of all the Russias; His Majesty the King of Sweden; the President of the Republic of Uruguay,

[a] Act carrying treaty into effect see U. S. Stats., vol. 37, p. 242.

Having recognized the utility of establishing in common accord certain uniform rules with respect to Assistance and Salvage at Sea, have decided to conclude a Convention to that effect and appointed as their Plenipotentiaries, to wit:

His Majesty the German Emperor, King of Prussia, in the name of the German Empire:

Mr. Kracker von Schwartzenfeldt, Chargé d'Affaires of Germany at Brussels.

Dr. Struckmann, Regency High Privy Councillor, reporting Counsellor at the Department of Justice.

The President of the Argentine Republic:

His Excellency A. Blancas, Envoy Extraordinary and Minister Plenipotentiary of the Argentine Republic near the King of the Belgians.

His Majesty the Emperor of Austria, King of Bohemia, &c, and Apostolic King of Hungary:

For Austria and Hungary:

His Excellency Count von Clary and Aldringen.

His Envoy Extraordinary and Minister Plenipotentiary near the King of the Belgians.

For Austria:

Dr. Stephen Warms, Section Counsellor at the Imperial and Royal Austrian Ministry of Commerce.

For Hungary:

Dr. Francois de Nagy, Secretary of State on the retired list, Ordinary Professor at the Royal University of Budapest, Member of the Hungarian Chamber of Deputies.

His Majesty the King of the Belgians:

Mr. Beernaert, Minister of State, President of the International Maritime Committee.

Mr. Capelle, Envoy Extraordinary and Minister Plenipotentiary; Director General of Trade Relations and the Consular Service at the Ministry of Foreign Affairs.

Mr. Ch. Le Jeune, Vice President of the International Maritime Committee.

Mr. Louis Franck, Member of the House of Representatives, Secretary General of the International Maritime Committee.

Mr. P. Segers, Member of the House of Representatives.

The President of the United States of Brazil:

Dr. Roderigo Octavio de Langgaard Menezes, Professor of the Free Faculty of juridicial and social Sciences of Rio de Janeiro, Member of the Brazilian Academy.

The President of the Republic of Chile:

His Excellency F. Puga-Borne, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Chile near His Majesty the King of the Belgians.

The President of the Republic of Cuba:

Mr. Francisco Zayas y Alfonso, Minister Resident of the Republic of Cuba at Brussels.

His Majesty the King of Denmark:

Mr. W. de Grevenkop Castenskiold, Minister Resident of Denmark at Brussels.

Mr. Herman Barclay Halkier, member of the bar of the Supreme Court of Denmark.

His Majesty the King of Spain:

His Excellency de Baguer y Corsi, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

Don Juan Spottorno, Auditor General of the Royal Navy.

Don Ramon Sanchez Ocana, Chief of Division of the Ministry of Justice, former Magistrate of the territorial audiencia court.

Don Faustino Alvarez del Manzano, Professor of the Central University of Madrid.

The President of the United States of America:

Mr. Walter C. Noyes, Judge of the Circuit Court of the United States at New York.

Mr. Charles C. Burlingham, Attorney at law, of New York.

Mr. A. J. Montague, former Governor of the State of Virginia.

Mr. Edwin W. Smith, attorney at law of Pittsburg.

The President of the French Republic:

His Excellency Beau, Envoy Extraordinary and Minister Plenipotentiary of the French Republic near His Majesty the King of the Belgians.

Mr. Lyon-Caen, member of the Institute, Professor of the Faculty of law of Paris and of the School of Political Science, President of the French Association of Maritime Law.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India:

His Excellency Sir Arthur Hardinge, K. C. B., K. C. M. G., His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

The Honorable Sir William Pickford, Justice of the High Court of London.

Mr. Leslie Scott, King's counsel, of London.

The Honorable Hugh Godley, barrister, of London.

His Majesty the King of the Hellenes:

Mr. George Diobouniotis, Professor of the University of Athens.

His Majesty the King of Italy:

Prince de Castagneto Caracciolo, Chargé d'Affaires of Italy at Brussels.

Mr. Francois Berlingieri, Attorney at Law, Professor of the University of Genoa.

Mr. Francois Mirelli, Councillor of the Court of Appeals of Naples.

Mr. Cesar Vivante, Professor of the University of Rome.

His Majesty the Emperor of Japan:

His Excellency K. Nakeshima, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

Mr. Yoshiyuki Irie, Attorney and Counselor of the Ministry of Justice of Japan.

Mr. Takeyuki Ishikawa, Chief of the Division of Maritime Affairs at the Office of Communications of Japan.

Mr. M. Matsuda, Second Secretary of the Legation of Japan at Brussels.

The President of the United Mexican States:

His Excellency Olarte, Envoy Extraordinary and Minister Plenipotentiary of the United Mexican States near His Majesty the King of the Belgians.

Mr. Victor Manuel Castillo, lawyer, Member of the Senate.

The President of the Republic of Nicaragua:

Mr. L. Vallez, Consul General of the Republic of Nicaragua at Brussels.

His Majesty the King of Norway:

His Excellency Dr. G. F. Hagerup, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

Mr. Christian Theodor Boe, Ship owner.

Her Majesty the Queen of the Netherlands:

Jonkheer P. R. A. Melvill van Carnbee, Chargé d'Affaires of the Netherlands at Brussels.

Mr. W. L. P. A. Molengraaf, L. L. D., Professor of the University of Utrecht.

Mr. B. C. J. Loder, L. L. D., Councillor of the Court of Cassation of The Hague.

Mr. C. D. Asser, Jr., L. L. D., Attorney at Law of Amsterdam.

His Majesty the King of Portugal and of the Algarves:

Mr. Antonio Duarte de Oliveria Soares, Chargé d'Affaires of Portugal at Brussels.

His Majesty the King of Roumania:

His Excellency Djuvara, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

His Majesty the Emperor of all the Russias:

Mr. C. Nabokoff, First Secretary of the Embassy of Russia at Washington.

His Majesty the King of Sweden:

His Excellency Count J. J. A. Ehrensvard, His Envoy Extraordinary and Minister Plenipotentiary near His Majesty the King of the Belgians.

Mr. Einar Lange, Manager of the Steamship Insurance Society of Sweden.

The President of the Republic of Uruguay:

His Excellency Luis Garabelli, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Uruguay near His Majesty the King of the Belgians.

Who, duly authorized thereto, have agreed upon the following:

Article 1.

Assistance and salvage of seagoing vessels in danger of any things on board, of freight and passage money, and also services of the same nature rendered to each other by seagoing vessels and vessels of inland navigation are subject to the following provisions, without any distinction being drawn between the two kinds of service and in whatever waters the services have been rendered.

Article 2.

Every act of assistance or salvage which has had a useful result gives a right to equitable remuneration.

No remuneration is due if the services rendered have no beneficial result.

In no case shall the sum to be paid exceed the value of the property salved.

ARTICLE 3.

Persons who have taken part in salvage operations, notwithstanding the express and reasonable prohibition on the part of the vessel to which services were rendered, have no right to any remuneration.

ARTICLE 4.

A tug has no right to remuneration for assistance to or salvage of the vessel she is towing or of the vessel's cargo except where she has rendered exceptional services which can not be considered as rendered in fulfilment of the contract of towage.

ARTICLE 5.

Remuneration is due notwithstanding that the salvage services have been rendered by or to vessels belonging to the same owner.

ARTICLE 6.

The amount of remuneration is fixed by agreement between the parties, and, failing agreement, by the court.

The proportion in which the remuneration is to be distributed among the salvors is fixed in the same manner.

The apportionment of the remuneration among the owner, master, and other persons in the service of each salving vessel is determined by the law of the vessel's flag.

ARTICLE 7.

Every agreement as to assistance or salvage entered into at the moment and under the influence of danger can, at the request of either party, be annulled or modified by the court if it considers that the conditions agreed upon are not equitable.

In all cases, when it is proved that the consent of one of the parties is vitiated by fraud or concealment, or when the remuneration is, in proportion to the services rendered, in an excessive degree too large or too small, the agreement may be annulled or modified by the court at the request of the party affected.

ARTICLE 8.

The remuneration is fixed by the court, according to the circumstances of each case, on the basis of the following considerations: (*a*) First, the measure of success obtained, the efforts and the deserts of the salvors, the danger run by the salved vessel, by her passengers, crew and cargo, by the salvors and by the salving vessel, the time expended, the expenses incurred and losses suffered, and the risks of liability and other risks run by the salvors, and also the value of the property exposed to such risks, due regard being had, the case arising, to the special adaptation of the salvor's vessel: (*b*) second, the value of the property salved.

The same provisions apply to the apportionment provided for by the second paragraph of article 6.

The court may reduce or deny remuneration if it appears that the salvors have by their fault rendered the salvage or assistance necessary, or have been guilty of theft, receiving stolen goods, or other acts of fraud.

ARTICLE 9.

No remuneration is due from the persons whose lives are saved, but nothing in this article shall affect the provisions of the national laws on this subject.

Salvors of human life who have taken part in the services rendered on the occasion of the accident, giving rise to salvage or assistance, are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo, and accessories.

ARTICLE 10.

A salvage action is barred after an interval of two years from the day on which the operations of assistance or salvage are terminated.

The grounds upon which the said period of limitation may be suspended or interrupted are determined by the law of the court where the case is tried.

The High Contracting Parties reserve to themselves the right to provide by legislation in their respective countries that the said periods shall be extended in cases where it has not been possible to arrest the vessel assisted or salved in the territorial waters of the State in which the plaintiff has his domicile or principal place of business.

ARTICLE 11.

Every master is bound, so far as he can do so without serious danger to his vessel, her crew and passengers, to render assistance to everybody, even though an enemy, found at sea in danger of being lost.

The owner of the vessel incurs no liability by reason of contravention of the foregoing provision.

ARTICLE 12.

The High Contracting Parties whose legislation does not forbid infringements of the preceding article bind themselves to take or to propose to their respective legislatures the measures necessary for the prevention of such infringements.

The High Contracting Parties will communicate to one another, as soon as possible, the laws or regulations which have already been or may be hereafter promulgated in their States for the purpose of giving effect to the above undertakings.

ARTICLE 13.

The convention does not affect the provisions of national laws or international treaties as regards the organization of services of assistance and salvage by or under the control of public authorities, nor, in particular, does it affect such laws or treaties on the subject of the salvage of fishing gear.

ARTICLE 14.

This convention does not apply to ships of war or to Government ships appropriated exclusively to a public service.

ARTICLE 15.

The provisions of this convention shall be applied as regards all persons interested when either the assisting or salving vessel or the vessel assisted or salved belongs to one of the contracting States, and in any other cases for which the national laws provide.

Provided always, that:

1. As regards persons interested who belong to a noncontracting State the application of said provisions may be made subject by each of the contracting States to the condition of reciprocity.

2. Where all the persons interested belong to the same State as the court trying the case, the provisions of the national law and not of the convention are applicable.

3. Without prejudice to any wider provisions of any national laws, article 11 only applies as between vessels belonging to the States of the High Contracting Parties.

ARTICLE 16.

Any one of the High Contracting Parties shall have the right three years after this convention comes into force to call for a fresh conference with a view to seeking such ameliorations as may be brought therein, and particularly with a view to extending, if possible, the sphere of its application.

Any power exercising this right must notify its intention to the other powers, through the Belgian Government, which will see to the convening of the conference within six months.

ARTICLE 17.

States which have not signed the convention are allowed to adhere to it on request. Such adhesion shall be notified through the diplomatic channel to the Belgian Government and by the latter to each of the other Governments. It shall become effective one month after the sending of the notification by the Belgian Government.

ARTICLE 18.

The convention shall be ratified.

After an interval of at most one year from the day on which the convention is signed, the Belgian Government shall place itself in communication with the Governments of the High Contracting Parties which have declared themselves prepared to ratify the convention with a view to deciding whether it is expedient to put into force.

The ratification shall, if so decided, be deposited forthwith at Brussels, and the convention shall come into force a month afterwards.

The protocol shall remain open another year in favor of the States represented at the Brussels Conference. After this interval they can only adhere to it on conforming to the provisions of Article 17.

ARTICLE 19.

In the case of one or other of the High Contracting Parties denouncing this convention, such denunciation should not take effect until a year after the day on which it has been notified to the Belgian Government, and the convention would remain in force as between the other Contracting Parties.

In witness whereof the plenipotentiaries of the respective High Contracting Parties have signed this convention and have affixed their seals thereto.

Done at Brussels, in a single copy, the 23rd September, 1910.

For Germany:

KRACKER VON SCHWARTZENFELDT.
Dr. G. STRUCKMANN.

For the Argentine Republic:

ALBERTO BLANCAS.

For Austria and Hungary:

S. CLARY and ALDRINGEN.

For Austria:

STEPHEN WORMS.

For Hungary:

Dr. FRANCOIS DE NAGY.

For Belgium:

A. BEERNAERT.
CAPELLE.
CH. LEJEUNE.
LOUIS FRANCK.
PAUL SEGERS.

For the United States of Brazil:

RODERIGO OCTAVIO DE LANGGAARD MENEZES.

For Chile:

F. PUGA-BORNE.

For the Republic of Cuba:

Dr. F. ZAYAS.

For Denmark:

W. GREVENKOP CASTENSKIOLD.
HERMAN HALKIER.

For Spain:

ARTURO DE BAGUER.
JUAN SPOTTORNO.
DAMON SANCHEZ DE OCAÑA.
FAUSTINO A. DEL MANZANO.

For the United States of America:

WALTER C. NOYES.
CHARLES C. BURLINGHAM.
A. J. MONTAGUE.
EDWIN W. SMITH.

For France:

BEAU.
CH. LYON-CAEN.

For Great Britain:

ARTHUR H. HARDINGE.
W. PICKFORD.
LESLIE SCOTT.
HUGH GODLEY.

For Greece:

G. DIOBOUNIOTIS.

For Italy:

PRINCE DE CASTAGNETO.
FRANCESCO BERLINGIERI.
FRANCESCO M. MIRELLI.
Prof. CESAR VIVANTE.

For Japan:

K. NABESHIMA.
Y. IRIE.
T. ISHIKAWA.
M. MATSUDA.

For the United Mexican States:

ENRIQUE OLARTE.
VICTOR MANUEL CASTILLO.

For Nicaragua:

LEON VALLEZ.

For Norway:

HAGERUP.
CHR. TH. BOE.

For the Netherlands:

P. R. A. MELVILL VAN CARNBEE.
MOLENGRAAFF.
LODER.
C. D. ASSER.

For Portugal:

A. D. DE OLIVEIRA SOARES.

For Roumania:

T. G. DJUVARA.

For Russia:

C. NABOKOFF.

For Sweden:

ALBERT EHRENSVARD.
EINAR LANGE.

For Uruguay:

LUIS GARABELLI.

Report of the American Delegation on the Convention Relating to Salvage.

To the honorable the Secretary of State:

The delegates of the United States designated to attend the reconvening of the Third International Conference on Maritime Law at Brussels on September 12, 1910, have the honor to report:

In accordance with our instructions from the Department of State, we attended and participated in the sessions and deliberations of the reconvened conference. Mr. Gaston de Leval, the Belgian advocate who assisted us at the last session, again aided us as counsel, and we desire to express our appreciation of his services.

At the opening of the conference we stated that we were authorized to sign the convention relating to collisions, with certain reservations, and that we were authorized to sign without reservations the convention relating to salvage. At the same time we stated that under the Constitution of the United States of America no treaty can become effective until approved by the Senate.

On September 23, 1910, we signed the convention relating to the law of salvage, making one reservation, as follows:

> The Government of the United States of America declares that it reserves the right to adhere to said convention and to denounce it for the insular possessions of the United States of America.

Annexed hereto is a translation of the convention, which is identical with that adopted by the British delegates.[a] No official translation of the convention was made or authorized by the conference.

The convention on salvage makes few changes in our own or the British law except that article 5 provides that "remuneration is due notwithstanding that the salvage services have been rendered by or to vessels belonging to the same owner." This provision will permit the officers and crew of a salving vessel to recover for their services notwithstanding identity of ownership. It will also affect the right of subrogation of underwriters. The provision would, of course, apply only in a limited number of cases; but we deemed the provision just and unobjectionable.

Article 9 contains a reasonable provision for salvors of human life, limiting the recovery, however, to cases where property also has been salved.

Article 10 prescribes a limitation period of two years for bringing suits for salvage.

Awaiting your further instructions, we have the honor to be, sir,

Your obedient servants,

Walter C. Noyes.
Charles C. Burlingham.
Edwin W. Smith.
A. J. Montague.

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[a] The translation printed below contains some modifications recommended by Mr. Martin, one of the translators of the Department of State.

Convention for the Unification of Certain Rules of Law as Regards Assistance and Salvage at Sea.

[Translation from French.]

Article 1.

Assistance and salvage of seagoing vessels in danger of any things on board, of freight and passage money, and also services of the same nature rendered to each other by seagoing vessels and vessels of inland navigation are subject to the following provisions, without any distinction being drawn between the two kinds of service and in whatever waters the services have been rendered.

Article 2.

Every act of assistance or salvage which has had a useful result gives a right to equitable remuneration.

No remuneration is due if the services rendered have no beneficial result.

In no case shall the sum to be paid exceed the value of the property salved.

Article 3.

Persons who have taken part in salvage operations, notwithstanding the express and reasonable prohibition on the part of the vessel to which services were rendered, have no right to any remuneration.

Article 4.

A tug has no right to remuneration for assistance to or salvage of the vessel she is towing or of the vessel's cargo except where she has rendered exceptional services which can not be considered as rendered in fulfilment of the contract of towage.

Article 5.

Remuneration is due notwithstanding that the salvage services have been rendered by or to vessels belonging to the same owner.

Article 6.

The amount of remuneration is fixed by agreement between the parties and, failing agreement, by the court.

The proportion in which the remuneration is to be distributed among the salvors is fixed in the same manner.

The apportionment of the remuneration among the owner, master, and other persons in the service of each salving vessel is determined by the law of the vessel's flag.

Article 7.

Every agreement as to assistance or salvage entered into at the moment and under the influence of danger can, at the request of either party, be annulled or modified by the court if it considers that the conditions agreed upon are not equitable.

In all cases, when it is proved that the consent of one of the parties is vitiated by fraud or concealment, or when the remuneration is, in proportion to the services rendered, in an excessive degree too large or too small, the agreement may be annulled or modified by the court at the request of the party affected.

Article 8.

The remuneration is fixed by the court, according to the circumstances of each case, on the basis of the following considerations: (*a*) First, the measure of success obtained, the efforts and the deserts of the salvors, the danger run by the salved vessel, by her passengers, crew, and cargo, by the salvors and by the salving vessel, the time expended, the expenses incurred and losses suffered, and the risks of liability and other risks run by the salvors, and also the value of the property exposed to such risks, due regard being had, the case arising, to the

special adaptation of the salvor's vessel; (*b*) second, the value of the property salved.

The same provisions apply to the apportionment provided for by the second paragraph of article 6.

The court may reduce or deny remuneration if it appears that the salvors have by their fault rendered the salvage or assistance necessary, or have been guilty of theft, receiving stolen goods, or other acts of fraud.

ARTICLE 9.

No remuneration is due from the persons whose lives are saved, but nothing in this article shall affect the provisions of the national laws on this subject.

Salvors of human life who have taken part in the services rendered on the occasion of the accident, giving rise to salvage or assistance, are entitled to a fair share of the remuneration awarded to the salvors of the vessel, her cargo, and accessories.

ARTICLE 10.

A salvage action is barred after an interval of two years from the day on which the operations of assistance or salvage are terminated.

The grounds upon which the said period of limitation may be suspended or interrupted are determined by the law of the court where the case is tried.

The High Contracting Parties reserve to themselves the right to provide by legislation in their respective countries that the said periods shall be extended in cases where it has not been possible to arrest the vessel assisted or salved in the territorial waters of the State in which the plaintiff has his domicile or principal place of business.

ARTICLE 11.

Every master is bound, so far as he can do so without serious danger to his vessel, her crew and passengers, to render assistance to everybody, even though an enemy, found at sea in danger of being lost.

The owner of the vessel incurs no liability by reason of contravention of the foregoing provision.

ARTICLE 12.

The High Contracting Parties whose legislation does not forbid infringements of the preceding article bind themselves to take or to propose to their respective legislatures the measures necessary for the prevention of such infringements.

The High Contracting Parties will communicate to one another, as soon as possible, the laws or regulations which have already been or may be hereafter promulgated in their States for the purpose of giving effect to the above undertakings.

ARTICLE 13.

The convention does not affect the provisions of national laws or international treaties as regards the organization of services of assistance and salvage by or under the control of public authorities, nor, in particular, does it affect such laws or treaties on the subject of the salvage of fishing gear.

ARTICLE 14.

This convention does not apply to ships of war or to Government ships appropriated exclusively to a public service.

ARTICLE 15.

The provisions of this convention shall be applied as regards all persons interested when either the assisting or salving vessel or the vessel assisted or salved belongs to one of the contracting States, and in any other cases for which the national laws provide.

Provided always, that:

1. As regards persons interested who belong to a noncontracting State the application of said provisions may be made subject by each of the contracting States to the condition of reciprocity.

2. Where all the persons interested belong to the same State as the court trying the case, the provisions of the national law and not of the convention are applicable.

3. Without prejudice to any wider provisions of any national laws, article 11 only applies as between vessels belonging to the States of the High Contracting Parties.

ARTICLE 16.

Any one of the High Contracting Parties shall have the right three years after this convention comes into force to call for a fresh conference with a view to seeking such ameliorations as may be brought therein, and particularly with a view to extending, if possible, the sphere of its application.

Any power exercising this right must notify its intention to the other powers, through the Belgian Government, which will see to the convening of the conference within six months.

ARTICLE 17.

States which have not signed the convention are allowed to adhere to it on request. Such adhesion shall be notified through the diplomatic channel to the Belgian Government and by the latter to each of the other Governments. It shall become effective one month after the sending of the notification by the Belgian Government.

ARTICLE 18.

The convention shall be ratified.

After an interval of at most one year from the day on which the convention is signed, the Belgian Government shall place itself in communication with the Governments of the High Contracting Parties which have declared themselves prepared to ratify the convention with a view to deciding whether it is expedient to put into force.

The ratifications shall, if so decided, be deposited forthwith at Brussels, and the convention shall come into force a month afterwards.

The protocol shall remain open another year in favor of the States represented at the Brussels Conference. After this interval they can only adhere to it on conforming to the provisions of article 17.

ARTICLE 19.

In the case of one or other of the High Contracting Parties denouncing this convention, such denunciation should not take effect until a year after the day on which it has been notified to the Belgian Government, and the convention would remain in force as between the other Contracting Parties.

In witness whereof the plenipotentiaries of the respective High Contracting Parties have signed this convention and have affixed their seals thereto.

Done at Brussels, in a single copy, the 23d September, 1910.

APPENDIX A.

SIGNATURE PROTOCOL EXTENDING CONVENTIONS TO COLONIES.

[Translation.]

At the moment of proceeding to sign the conventions for the rendering uniform of certain rules in the matter of collisions and of maritime assistance and salvage, concluded on this date, the undersigned plenipotentiaries have agreed to the following:

The provisions of said conventions will be applicable to the colonies and possessions of the contracting powers, subject to the following reservations:

I. The German Government declares that it reserves the right to decide with regard to the colonies. It reserves the right, with respect to each of them separately, to accede to and denounce the conventions.

II. The Danish Government declares that it reserves the right to accede to and denounce said conventions with respect to Iceland and the Danish colonies and possessions separately.

III. The Government of the United States of America declares that it reserves the right to accede to and denounce said conventions with respect to the insular possessions of the United States of America.

IV. The Government of His Britannic Majesty declares that it reserves the right to accede to and denounce said conventions with respect to each of the British colonies, protectorates, and territories separately, as well as with respect to the island of Cyprus.

V. The Italian Government reserves the right to accede subsequently to the conventions with respect to the Italian dependencies and colonies.

VI. The Government of the Netherlands reserves the right to accede subsequently to the conventions with respect to the Dutch colonies and possessions.

VII. The Portuguese Government declares that it reserves the right to accede subsequently to the conventions with respect to the Portuguese colonies.

These accessions may be notified either by means of a general declaration comprising all the colonies and possessions or by special declarations. With regard to the accessions and denunciations, the procedure prescribed in the two conventions of this date will be followed if necessary. It is understood, however, that the said accessions may also be embodied in the record of the ratifications.

In witness whereof the undersigned plenipotentiaries have drawn up the present protocol, which shall have the same force and value as if its provisions were inserted in the text of the conventions to which they relate.

Done at Brussels, in a single copy, September 23, 1910.

(Signatures of delegates.)

And whereas, the said Convention has been duly ratified by the Government of the United States, by and with the advice and consent of the Senate thereof, and by the Governments of Germany, Austria-Hungary, Belgium, France, Great Britain, Mexico, Netherlands, Roumania, and Russia, and the ratifications of the said Governments were, by the provisions of Article 18 of the said Convention, deposited by their respective plenipotentiaries with the Government of Belgium;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this thirteenth day of February in the year of our Lord one thousand nine hundred and
[SEAL.] thirteen, and of the Independence of the United States of America the one hundred and thirty-seventh.

WM H TAFT

By the president:
P C KNOX
Secretary of State.

1906.

International Wireless Telegraph Convention.[a]

The following convention will be superseded by the international wireless telegraph convention, signed at London, July 5, 1912, if proclaimed, which appears in this volume on page 183.

Signed at Berlin November 3, 1906; ratification advised by the Senate April 3, 1912; ratified by the President April 22, 1912; ratification of the United States deposited with the Government of Germany May 17, 1912; proclaimed May 25, 1912.

I. Obligation.
II. "Coastal stations" defined.
III. Reciprocal exchange of telegrams.
IV. Reservation of station for limited public service.
V. Coastal stations and telegraph system connections.
VI. Information necessary to facilitate transmission.
VII. Exemption as to special wireless communication.
VIII. Interference.
IX. Calls from ships in distress.
X. Rates.
XI. Effect of regulations.
XII. Conferences for modification of convention and regulations; voting power.
XIII. Duties of international bureau, expenses.
XIV. Reservation as to fixing terms on which telegrams are received.
XV. Scope of articles 8 and 9.
XVI. Adherence by other powers.
XVII. International Telegraph Convention, St. Petersburg.
XVIII. Arbitration of disagreement between two or more contracting powers.
XIX. Legislation for execution of convention.
XX. Notification as to proposed or existing laws.
XXI. Reservation of liberty to install official wireless telegraph stations.
XXII. Effect; duration.
XXIII. Ratification.

INTERNATIONAL WIRELESS TELEGRAPH CONVENTION CONCLUDED BETWEEN GERMANY, THE UNITED STATES OF AMERICA, ARGENTINA, AUSTRIA, HUNGARY, BELGIUM, BRAZIL, BULGARIA, CHILE, DENMARK, SPAIN, FRANCE, GREAT BRITAIN, GREECE, ITALY, JAPAN, MEXICO, MONACO, NORWAY, THE NETHERLANDS, PERSIA, PORTUGAL, ROUMANIA, RUSSIA, SWEDEN, TURKEY, AND URUGUAY.

[Translation.]

The undersigned, plenipotentiaries of the Governments of the countries enumerated above, having met in conference at Berlin, have agreed on the following Convention, subject to ratification:

Article 1.

The High Contracting Parties bind themselves to apply the provisions of the present Convention to all wireless telegraph stations

[a] Since the President's ratification of this convention the convention has been ratified by Italy, Greece, and Uruguay, and adhered to by Egypt; by Germany for the German Protectorates; by Spain for the Gulf of Guinea Territory, Siam; San Marino; Italy for Erythrea and Somaliland; and, with the exception of article 3, by Canada, Australia, New Zealand, Natal, India, and the Transvaal.

open to public service between the coast and vessels at sea—both coastal stations and stations on shipboard—which are established or worked by the Contracting Parties.

They further bind themselves to make the observance of these provisions obligatory upon private enterprises authorized either to establish or work coastal stations for wireless telegraphy open to the service of public correspondence between the coast and vessels at sea, or to establish or work wireless telegraph stations, whether open to general public service or not, on board of vessels flying their flag.

ARTICLE 2.

By "coastal stations" is to be understood every wireless telegraph station established on shore or on board a permanently moored vessel used for the exchange of correspondence with ships at sea.

Every wireless telegraph station established on board any vessel not permanently moored is called a "station on shipboard."

ARTICLE 3.

The coastal stations and the stations on shipboard shall be bound to exchange wireless telegrams reciprocally without distinction of the wireless telegraph system adopted by such stations.

ARTICLE 4.

Notwithstanding the provisions of Article 3, a station may be reserved for a limited public service determined by the object of the correspondence or by other circumstances independent of the system employed.

ARTICLE 5.

Each of the High Contracting Parties undertakes to connect the coastal stations to the telegraph system by special wires, or, at least, to take other measures which will insure a rapid exchange between the coastal stations and the telegraph system.

ARTICLE 6.

The High Contracting Parties shall notify one another of the names of coastal stations and stations on shipboard referred to in Article 1, and also of all data, necessary to facilitate and accelerate the exchange of wireless telegrams, as specified in the Regulations.

ARTICLE 7.

Each of the High Contracting Parties reserves the right to prescribe or permit at the stations referred to in Article 1, apart from the installation the data of which are to be published in conformity with Article 6, the installation and working of other devices for the purpose of establishing special wireless communication without publishing the details of such devices.

ARTICLE 8.

The working of the wireless telegraph stations shall be organized as far as possible in such manner as not to disturb the service of other wireless stations.

ARTICLE 9.

Wireless telegraph stations are bound to give absolute priority to calls of distress from ships, to similarly answer such calls and to take such action with regard thereto as may be required.

ARTICLE 10.

The total charge for wireless telegrams shall comprise:

1. The charge for the maritime transmission, that is:

(a) The coastal rate, which shall fall to the coastal station;

(b) The shipboard rate, which shall fall to the shipboard station.

2. The charge for transmission over the lines of the telegraph system, to be computed according to the general regulations.

The coastal rate shall be subject to the approval of the Government of which the coastal station is dependent, and the shipboard rate to the approval of the Government whose flag the ship is flying.

Each of these rates shall be fixed in accordance with the tariff per word, pure and simple, with an optional minimum rate per wireless telegram, on the basis of an equitable remuneration for the wireless work. Neither rate shall exceed a maximum to be fixed by the High Contracting Parties.

However, each of the High Contracting Parties shall be at liberty to authorize higher rates than such maximum in the case of stations of ranges exceeding 800 km. or of stations whose work is exceptionally difficult owing to physical conditions in connection with the installation or working of the same.

For wireless telegrams proceeding from or destined for a country and exchanged directly with the coastal stations of such country, the High Contracting Parties shall advise one another of the rates applicable to the transmission over the lines of their telegraph system. Such rates shall be those resulting from the principle that the coastal station is to be considered as the station of origin or of destination.

ARTICLE 11.

The provisions of the present Convention are supplemented by Regulations, which shall have the same force and go into effect at the same time as the Convention.

The provisions of the present Convention and of the Regulations relating thereto may at any time be modified by the High Contracting Parties by common consent. Conferences of plenipotentiaries or simply administrative conferences, according as the Convention or the Regulations are affected, shall take place from time to time; each conference shall fix the time and place of the next meeting.

ARTICLE 12.

Such conferences shall be composed of delegates of the Governments of the contracting countries.

In the deliberations each country shall have but one vote.

If a Government adheres to the Convention for its colonies, possessions or protectorates, subsequent conferences may decide that such colonies, possessions or protectorates, or a part thereof, shall be considered as forming a country as regards the application of the preceding paragraph. But the number of votes at the disposal of one Government, including its colonies, possessions or protectorates, shall in no case exceed six.

ARTICLE 13.

An International Bureau shall be charged with collecting, coordinating and publishing information of every kind relating to wireless telegraphy, examining the applications for changes in the Convention or Regulations, promulgating the amendments adopted, and generally performing all administrative work referred to it in the interest of international wireless telegraphy.

The expenses of such institution shall be borne by all the contracting countries.

ARTICLE 14.

Each of the High Contracting Parties reserves to itself the right of fixing the terms on which it will receive wireless telegrams proceeding from or intended for any station, whether on shipboard or coastal, which is not subject to the provisions of the present Convention.

If a wireless telegram is received the ordinary rates shall be applicable to it.

Any wireless telegram proceeding from a station on shipboard and received by a coastal station of a contracting country, or accepted in transit by the administration of a contracting country, shall be forwarded.

Any wireless telegram intended for a vessel shall also be forwarded if the administration of the contracting country has accepted it originally or in transit from a non-contracting country, the coastal station reserving the right to refuse transmission to a station on shipboard subject to a non-contracting country.

ARTICLE 15.

The provisions of Articles 8 and 9 of this Convention are also applicable to wireless telegraph installations other than those referred to in Article 1.

ARTICLE 16.

Governments which are not parties to the present Convention shall be permitted to adhere to it upon their request. Such adherence shall be communicated through diplomatic channels to the contracting Government in whose territory the last conference shall have been held, and by the latter to the remaining Governments.

The adherence shall carry with it to the fullest extent acceptance of all the clauses of this Convention and admission to all the advantages stipulated therein.

ARTICLE 17.[a]

The provisions of Articles 1, 2, 3, 5, 6, 7, 8, 11, 12 and 17 of the International Telegraph Convention of St. Petersburg of July 10/22, 1875, shall be applicable to international wireless telegraphy.

ARTICLE 18.

In case of disagreement between two or more contracting Governments regarding the interpretation or execution of the present Convention or of the Regulations referred to in Article 11, the question in dispute may, by mutual agreement, be submitted to arbitration. In such case each of the Governments concerned shall choose another Government not interested in the question at issue.

The decision of the arbiters shall be arrived at by the absolute majority of votes.

In case of a division of votes, the arbiters shall choose, for the purpose of settling the disagreement, another contracting Government which is likewise a stranger to the question at issue. In case of failure to agree on a choice, each arbiter shall propose a disinterested contracting Government, and lots shall be drawn between the Governments proposed. The drawing of the lots shall fall to the Government within whose territory the international bureau provided for in Article 13 shall be located.

ARTICLE 19.

The High Contracting Parties bind themselves to take, or propose to their respective legislatures, the necessary measures for insuring the execution of the present Convention.

ARTICLE 20.

The High Contracting Parties shall communicate to one another any laws already framed, or which may be framed, in the respective countries relative to the object of the present Convention.

ARTICLE 21.

The High Contracting Parties shall preserve their entire liberty as regards wireless telegraph installations other than provided for in Article 1, especially naval and military installations, which shall be subject only to the obligations provided for in Articles 8 and 9 of the present Convention.

However, when such installations are used for general public service they shall conform, in the execution of such service, to the provisions of the Regulations as regards the mode of transmission and rates.

ARTICLE 22.

The present Convention shall go into effect on the 1st day of July, 1908, and shall remain in force for an indefinite period or until the

[a] See translation of Articles of the International Telegraphic Convention referred to in Article 17, affixed.

expiration of one year from the day when it shall be denounced by any of the contracting parties.

Such denunciation shall affect only the Government in whose name it shall have been made. As regards the other Contracting Powers, the Convention shall remain in force.

ARTICLE 23.

The present Convention shall be ratified and the ratifications exchanged at Berlin with the least possible delay.

In witness whereof the respective plenipotentiaries have signed one copy of the Convention, which shall be deposited in the archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each Party.

Done at Berlin, November 3, 1906.

For Germany:

KRAETKE.
SYDOWDOW.

For United States:

CHARLEMAGNE TOWER.
H. N. MANNEY.
JAMES ALLEN.
JOHN I. WATERBURY.

For Argentina:

J. OLMI.

For Austria:

BARTH.
FRIES.

For Hungary:

PIERRE DE SZALAY.
DR. DE HENNYEY.
HOLLÓS.

For Belgium:

F. DELARGE.
E. BUELS.

For Brazil:

CESAR DE CAMPOS.

For Bulgaria:

IV. STOYANOVITCH.

For Chile:

J. MUÑOZ HURTADO.
J. MERY.

For Denmark:

N. R. MEYER.
I. A. VOEHTZ.

For Spain:

IGNACIO MURCIA.
RAMÓN ESTRADA.
RAFAEL RÁVENA.
ISIDRO CALVO.
MANUEL NORIÉGA.
ANTONIO PELÁEZ-CAMPOMANES.

For France:

J. Bordelongue.
L. Gaschard.
Boulanger.
A. Devos.

For Great Britain:

H. Babington Smith.
A. E. Bethell.
R. L. Hippisley.

For Greece:

T. Argyropoulos.

For Italy:

J. Colombo.

For Japan:

Osuke Asano.
Rokure Yashiro.
Shunkichi Kimura.
Ziro Tanaka.
Saburo Hyakutake.

For Mexico:

José M. Pérez.

For Monaco:

J. Depelley.

For Norway:

Heftye.
O. T. Eidem.

For Netherlands:

Kruÿt.
Perk.
Hoven.

For Persia:

Hovhannès Khan.

For Portugal:

Paulo Benjamin Cabral.

For Roumania:

Gr. Cerkez.

For Russia:

A. Eichholz.
A. Euler.
Victor Bilibine.
A. Remmert.
W. Kédrine.

For Sweden:

Herman Rydin.
A. Hamilton.

For Turkey:

Nazif Bey.

For Uruguay:

F. A. Costanzo.

Supplementary Agreement.

Articles.

I. No distinction because of system adopted; transmission.
II. Adherence.
III. Ratification.

The undersigned plenipotentiaries of the Governments of Germany, the United States of America, Argentina, Austria, Hungary, Belgium, Brazil, Bulgaria, Chile, Denmark, Spain, France, Greece, Monaco, Norway, the Netherlands, Roumania, Russia, Sweden, Turkey, and Uruguay bind themselves mutually, from the date of the going into effect of the Convention, to conform to the provisions of the following supplementary articles:

I.

Each station on shipboard referred to in Article 1 of the Convention shall be bound to correspond with any other station on shipboard without distinction of the wireless telegraph system adopted by such stations respectively.

II.

The Governments which have not adhered to the foregoing article may at any time signify, by following the procedure prescribed by Article 16 of the Convention, that they bind themselves to conform to its provisions.

Those which have adhered to the foregoing article may at any time, under the same conditions as provided for in Article 22, signify their intention to cease conforming to its provisions.

III.

This agreement shall be ratified and the ratifications exchanged at Berlin with the least possible delay.

In witness whereof the respective plenipotentiaries have signed one copy of the present Agreement, which shall be deposited in the archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each of the Parties.

Done at Berlin, November 3, 1906.

For Germany:

Kraetke.
Sydow.

For United States:

Charlemange Tower.
H. N. Manney.
James Allen.
John I. Waterbury.

For Argentina:

J. Olmi.

For Austria:

Barth.
Fries.

For Hungary:

Pierre de Szalay.
Dr. de Hennyey.
Hollós.

For Belgium:

F. Delarge.
E. Buels.

For Brazil:

Cesar de Campos.

For Bulgaria:

Iv. Stoyanovitch.

For Chile:

J. Muñoz Hurtado.
J. Mery.

For Denmark:

N. R. Meyer.
I. A. Voehtz.

For Spain:

Ignacio Murcia.
Ramón Estrada.
Rafael Rávena.
Isidro Calvo.
Manuel Noriéga.
Antonio Peláez-Campomanes.

For France:

J. Bordelongue.
L. Gaschard.
Boulanger.
A. Devos.

For Greece:

T. Argyropoulos.

For Monaco:

J. Depelley.

For Norway:

Heftye.
O. T. Eidem.

For Netherlands:

Kruÿt.
Perk.
Hoven.

For Roumania:

Gr. Cerkez.

For Russia:

A. Eicholz.
A. Euler.
Victor Bilibine.
A. Remmert.
W. Kédrine.

For Sweden:

Herman Rydin.
A. Hamilton.

For Turkey:

Nazif Bey.

For Uruguay:

F. A. Costanzo.

Final Protocol.

Articles.

I. Voting power at succeeding conference.
II. Exemption of coastal stations.
III. Exercise of right of exemption.
IV. Employment of system incapable of intercommunication.
V. Adherence by colonies, possessions, or protectorates.
VI. Ratification by Italy.
VII. Validity of convention prior to ratification by all signatory powers.

At the moment of signing the Convention adopted by the International Wireless Telegraph Conference of Berlin, the undersigned plenipotentiaries have agreed as follows:

I.

The High Contracting Parties agree that at the next Conference the number of votes to which each country is entitled (Article 12 of the Convention) shall be decided at the beginning of the deliberations, so that the colonies, possessions or protectorates admitted to the privilege of voting may exercise their right to vote during the entire course of the proceedings of such Conference.

This decision shall be of immediate effect and remain in force until amended by a subsequent Conference.

As regards the next Conference, applications for the admission of new votes in favor of colonies, possessions or protectorates which may have adhered to the Convention shall be addressed to the International Bureau at least six months prior to the date of the convening of such Conference. Notice of such applications shall at once be given to the remaining contracting Governments, which may, within the period of two months from the receipt of the notice, formulate similar applications.

II.

Each contracting Government may reserve the right to designate, according to circumstances, certain coastal stations to be exempted from the obligation imposed by Article 3 of the Convention, provided that, as soon as this measure goes into effect, there shall be opened within its territory one or several stations subject to the obligations of Article 3, insuring, within the region where the exempted stations are located, such wireless telegraph service as will satisfy the needs of the public service. The Governments desiring to reserve this right shall give notice thereof in the form provided for in the second paragraph of Article 16 of the Convention, not later than three months before the Convention goes into effect, or, in case of subsequent adhesion, at the time of such adhesion.

The countries whose names follow below declare now that they will not reserve such right:

Germany,
United States,
Argentina,
Austria,
Hungary,
Belgium,

Brazil,
Bulgaria,
Chile,
Greece,
Mexico,
Monaco,
Norway,
Netherlands,
Roumania,
Russia,
Sweden,
Uruguay.

III.

The manner of carrying out the provisions of the foregoing article shall be at the discretion of the Government which takes advantage of the right of exemption; such Government shall be at liberty to decide from time to time, in its own judgment, how many stations and what stations shall be exempted. Such Government shall likewise be at liberty as regards the manner of carrying out the provision relative to the opening of other stations subject to the obligations of Article 3, insuring, within the region where the exempted stations are located, such wireless telegraph service as will satisfy the needs of the public service.

IV.

It is understood that, in order not to impede scientific progress, the provisions of Article 3 of the Convention shall not prevent the eventual employment of a wireless telegraph system incapable of communicating with other systems, provided, however, that such incapacity shall be due to the specific nature of such system and that it shall not be the result of devices adopted for the sole purpose of preventing intercommunication.

V.

The adherence to the Convention by the Government of a country having colonies, possessions or protectorates shall not carry with it the adherence of its colonies, possessions or protectorates, unless a declaration to that effect is made by such Government. Such colonies, possessions and protectorates as a whole, or each of them separately, may form the subject of a separate adherence or a separate denunciation within the provisions of Articles 16 and 22 of the Convention.

It is understood that the stations on board of vessels whose headquarters is a port in a colony, possession or protectorate may be deemed as subject to the authority of such colony, possession or protectorate.

VI.

Note is taken of the following declaration:

The Italian delegation in signing the Convention does so with the reservation that the Convention can not be ratified on the part of

Italy until the date of the expiration of her contracts with Mr. Marconi and his Company, or at an earlier date if the Government of the King of Italy shall succeed in fixing such date by negotiations with Mr. Marconi and his Company.

VII.

In case one or several of the High Contracting Parties shall not ratify the Convention, it shall nevertheless be valid as to the parties which shall have ratified it.

In witness whereof the undersigned plenipotentiaries have drawn up the present Final Protocol, which shall be of the same force and effect as though the provisions thereof had been embodied in the text of the Convention itself to which it has reference, and they have signed one copy of the same, which shall be deposited in the archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each of the Parties.

Done at Berlin, November 3, 1906.

For Germany:

KRAETKE.
SYDOW.

For United States:

CHARLEMAGNE TOWER.
H. N. MANNEY.
JAMES ALLEN.
JOHN I. WATERBURY.

For Argentina:

J. OLMI.

For Austria:

BARTH.
FRIES.

For Hungary:

PIERRE DE SZALAY.
DR. DE HENNYEY.
HOLLÓS.

For Belgium:

F. DELARGE.
E. BUELS.

For Brazil:

CESAR DE CAMPOS.

For Bulgaria:

IV. STOYANOVITCH.

For Chile:

J. MUÑOZ HURTADO.
J. MEYER.

For Denmark:

N. R. MEYER.
I. A. VOEHTZ.

For Spain:

IGNACIO MURCIA.
RAMÓN ESTRADA.
RÁFAEL RAVENA.
ISIDRO CALVO.
MANUEL NORÍEGA.
ANTONIO PELÁEZ-CAMPOMANES.

For France:	J. Bordelongue. L. Gascherd. Boulanger. A. Devos.
For Great Britain:	H. Babington Smith. A. E. Bethell. R. L. Hippisley.
For Greece:	T. Argyropoulos.
For Italy:	J. Colombo.
For Japan:	Osuke Asano. Rokure Yashiro. Shunkichi Kimura. Ziro Tanaka. Saburo Hyakutake.
For Mexico:	José M. Pérez.
For Monaco:	J. Depelley.
For Norway:	Heftye. O. T. Eidem.
For Netherlands:	Kruÿt. Perk. Hoven.
For Persia:	Hovhannès Khan.
For Portugal:	Paulo Benjamin Cabral.
For Roumania:	Gr. Cerkez.
For Russia:	A. Eicholz. A. Euler. Victor Bilibine. A. Remmert. W. Kédrine.
For Sweden:	Herman Rydin. A. Hamilton.
For Turkey:	Nazif Bey.
For Uruguay:	F. A. Costanzo.

Service Regulations Annexed to the International Wireless Telegraph Convention.

I. Organization of wireless telegraph stations. Articles 1, 2, 3, 4, 5, 6, and 7.
II. Hours of service of coastal stations. Article 8.
III. Form and posting of wireless telegrams. Articles 9, 10, 11.
IV. Rates. Articles 12 and 13.
V. Collection of charges. Article 14.
VI. Transmission of wireless telegrams.
  a. Signals of transmission. Articles 15, 16, and 17.
  b. Order of transmission. Article 18.
  c. Method of calling wireless stations and transmission of wireless telegrams. Articles 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30.
VII. Delivery of wireless telegrams at their destination. Articles 31 and 32.
VIII. Special telegrams. Article 33.
IX. Files. Article 34.
X. Rebates and reimbursements. Article 35.
XI. Accounts and payment of charges. Article 36.
XII. International bureau. Articles 37 and 38.
XIII. Miscellaneous provisions. Articles 39, 40, 41, and 42.

1. Organization of Wireless Telegraph Stations.

I.

The choice of wireless apparatus and devices to be used by the coastal stations and stations on shipboard shall be unrestricted. The installation of such stations shall as far as possible keep pace with scientific and technical progress.

II.

Two wave lengths, one of 300 meters and the other of 600 meters, are authorized for general public service. Every coastal station opened to such service shall use one or the other of these two wave lengths. During the whole time that the station is open to service it shall be in condition to receive calls according to its wave length, and no other wave length shall be used by it for the service of general public correspondence. Each Government may, however, authorize in coastal stations the employment of other wave lengths designed to insure long-range service or any service other than for general public correspondence established in conformity with the provisions of the Convention, provided such wave lengths do not exceed 600 meters or that they do exceed 1,600 meters.

III.

1. The normal wave length for stations on shipboard shall be 300 meters. Every station on shipboard shall be installed in such manner as to be able to use this wave length. Other wave lengths may be employed by such stations provided they do not exceed 600 meters.

2. Vessels of small tonnage which are unable to have plants on board insuring a wave length of 300 meters may be authorized to use a shorter wave length.

IV.

1. The International Bureau shall be charged with drawing up a list of wireless telegraph stations of the class referred to in Article 1 of the Convention. Such list shall contain for each station the following data:

(1) Name, nationality, and geographical location in the case of coastal stations; name, nationality, distinguishing signal of the International Code and name of ship's home port in the case of stations on shipboard;

(2) Call letters (the calls shall be distinguishable from one another and each must be formed of a group of three letters);

(3) Normal range;

(4) Wireless telegraph system;

(5) Class of receiving apparatus (recording, acoustic, or other apparatus);

(6) Wave lengths used by the station (the normal wave length to be underscored);

(7) Nature of service carried on by the station:

General public correspondence;

Limited public correspondence (correspondence with vessels . . .; correspondence with shipping lines . . .; correspondence with ships fitted with apparatus of the . . . system, etc.);

Long range public correspondence;

Correspondence of private interest;

Special correspondence (exclusively official correspondence); etc.

(8) Hours during which the station is open;

(9) Coastal rate or shipboard rate.

2. The list shall also contain such data relating to wireless telegraph stations other than those specified in Article 1 of the Convention as may be communicated to the International Bureau by the Management of the Wireless Telegraph Service ("Administration") to which such stations are subject.

V.

The exchange of superfluous signals and words is prohibited to stations of the class referred to in Article 1 of the Convention. Experiments and practice will be permitted in such stations in so far as they do not interfere with the service of other stations.

VI.

1. No station on shipboard shall be established or worked by private enterprise without authority from the Government to which the vessel is subject. Such authority shall be in the nature of a license issued by said Government.

2. Every station on shipboard that has been so authorized shall comply with the following requirements:

(a) The system employed shall be a syntonized system;

(b) The rate of transmission and reception, under normal conditions, shall not be less than twelve words a minute, words to be counted at the rate of five letters each;

(c) The power transmitted to the wireless telegraph apparatus shall not, under normal conditions, exceed one kilowatt. Power exceeding one kilowatt may be employed when the vessel finds it necessary to correspond while more than 300 kilometers distant from the nearest coastal station, or when, owing to obstructions, communication can be established only by means of an increase of power.

3. The service of the station on shipboard shall be carried on by a telegraph operator holding a certificate issued by the Government to which the vessel is subject. Such certificate shall attest the professional efficiency of the operator as regards:

(a) Adjustment of the apparatus;

(b) Transmission and acoustic reception at the rate of not less than 20 words a minute;

(c) Knowledge of the regulations governing the exchange of wireless telegraph correspondence.

4. The certificate shall furthermore state that the Government has bound the operator to secrecy with regard to the correspondence.

VII.

If the management of the wireless telegraph service of a country has knowledge of any infraction of the Convention or of the Regulations committed in any of the stations authorized by it, it shall ascertain the facts and fix the responsibility.

In the case of stations on shipboard, if the operator is responsible for such infraction, the management of the wireless telegraph service shall take the necessary measures and, if the necessity should arise, withdraw the certificate. If it is ascertained that the infraction is the result of the condition of the apparatus or of instructions given the operator, the same method shall be pursued with regard to the license issued to the vessel.

2. In cases of repeated infractions chargeable to the same vessel, if the representations made to the wireless telegraph management of the country to which the vessel is subject by that of another country remain without effect, the latter shall be at liberty, after giving due notice, to authorize its coastal stations not to accept communications proceeding from the vessel at fault. In case of disagreement between the managements of the wireless telegraph service of two countries, the question shall be submitted to arbitration at the request of either of the two Governments at issue. The procedure in such case shall be the same as indicated in Article 18 of the Convention.

2. Hours of Service of Coastal Stations.

VIII.

1. The service of coastal stations shall, as far as possible, be constant, day and night, without interruption.

Certain coastal stations, however, may have a service of limited duration. The management of the wireless telegraph service of each country shall fix the hours of service.

2. The coastal stations whose service is not constant shall not close before having transmitted all their wireless telegrams to the vessels which are within their radius of action, nor before having received from such vessels all the wireless telegrams of which notice has been given. This provision is likewise applicable when vessels signal their presence before the actual cessation of work.

3. Form and Posting of Wireless Telergams.

IX.

If the route of a wireless telegram is partly over telegraph lines, or through wireless telegraph stations subject to a noncontracting Government, such telegram may be transmitted provided the managements of the wireless telegraph service to which such lines or stations are subject have declared that, if the occasion should arise, they will comply with such provisions of the Convention and of the Regulations as are indispensable to the regular transmission of wireless telegrams and that the payment of charges is insured.

X.

1. Wireless telegrams shall show in the preamble that the service is "wireless" ("radio").

2. In the transmission of wireless telegrams of shipboard stations to coastal stations, the date and hour of posting may be omitted in the preamble.

Upon reforwarding a wireless telegram over the telegraph system, the coastal station shall show thereon its own name as the office of origin, followed by that of the vessel, and shall state, as the hour of posting, the hour when the telegram was received by it.

XI.

The address of wireless telegrams intended for ships at sea shall be as complete as possible. It shall embrace the following:

(a) The name of the addressee, with additional designation if any;

(b) The name of the vessel as it appears in the list, supplemented by her nationality and, if necessary, by her distinguishing signal of the International Code, in case there are several vessels of the same name;

(c) The name of the coastal station as it appears in the list.

4. Rates.

XII.

The coastal rate shall not exceed 60 centimes (11.6 cents) a word, and the shipboard rate shall not exceed 40 centimes (7.7 cents) a word.

A minimum rate per telegram, not to exceed the coastal rate or shipboard rate for a wireless telegram of ten words, may be imposed as coastal or shipboard rate.

XIII.

The country within whose territory a coastal station is established which serves as intermediary for the exchange of wireless telegrams between a station on board ship and another country shall be considered, so far as the application of telegraph rates is concerned, as the country of origin or of destination of such telegrams, and not as the country of transit.

5. Collection of Charges.

XIV.

The total charge for wireless telegrams shall be collected of the sender.

Stations on shipboard shall to that end have the necessary tariffs. They shall be at liberty, however, to obtain information from coastal stations on the subject of rates for wireless telegrams for which they do not possess all the necessary data.

6. Transmission of Wireless Telegrams.

a. signals of transmission.

XV.

The signals to be employed are those of the Morse International Code.

XVI.

Ships in distress shall use the following signal:

repeated at brief intervals.

As soon as a station perceives the signal of distress it shall cease all correspondence and not resume it until after it has made sure that the correspondence to which the call for assistance has given rise is terminated.

In case the ship in distress adds at the end of the series of her calls the call letters of a particular station the answer to the call shall be incumbent upon that station alone. If the call for assistance does not specify any particular station, every station perceiving such calls shall be bound to answer it.

XVII.

1. The call letters following the letters

"P R B" signify that the vessel or station making the call desires to communicate with the station called by means of the International Signal Code.

The combination of the letters P R B as a service signal for any other purpose than that specified above is prohibited.

2. Wireless telegrams may be framed with the aid of the International Signal Code.

Those addressed to a wireless telegraph station with a view to being forwarded by it are not to be translated by such station.

b. ORDER OF TRANSMISSION.

XVIII.

Between two stations wireless telegrams of the same order shall be transmitted one by one, by the two stations alternately, or in series of several telegrams, as the coastal station may indicate, provided the duration of the transmission of each series does not exceed twenty minutes.

c. METHOD OF CALLING WIRELESS STATIONS AND TRANSMISSION OF WIRELESS TELEGRAMS.

XIX.

1. As a general rule, it shall be the shipboard station that calls the coastal station.

2. The call should be made, as a general rule, only when the distance of the vessel from the coastal station is less than 75 per cent of the normal range of the latter.

3. Before proceeding to a call, the station on shipboard shall adjust its receiving apparatus to its maximum sensibility and make sure that the coastal station which it wishes to call up is not in correspondence with any other station. If it finds that any transmission is in progress, it shall wait for the first pause.

4. The shipboard station shall use for calling the normal wave of the coastal station.

5. If in spite of these precautions the public exchange of wireless telegrams is impeded at any place, the call shall cease upon the first request from a coastal station open to public correspondence. The latter station shall in such case indicate the approximate length of time it will be necessary to wait.

XX.

1. The call shall comprise the signal

the call letters of the station called repeated three times, the word "from" ("de") followed by the call letters of the sending station repeated three times.

2. The called station shall answer by making the signal

followed by the call letters of the corresponding station repeated three times, the word "from," its own call letters, and the signal

XXI.

If a station called does not answer the call (Article XX) repeated three times at intervals of two minutes, the call shall not be resumed until after an interval of half an hour, the station issuing the call having first made sure that no wireless telegraph correspondence is in progress.

XXII.

1. As soon as the coastal station has answered, the shipboard station shall make known to it:

(a) The distance of the vessel from the coastal station in nautical miles;

(b) Her true bearing in degrees counted from 0 to 360;

(c) Her true course in degrees counted from 0 to 360;

(d) Her speed in nautical miles;

(e) The number of words she has to transmit.

2. The coastal station shall answer, stating the number of words to be transmitted to the vessel.

3. If the transmission can not take place immediately, the coastal station shall inform the station on shipboard of the approximate length of time that it will be necessary to wait.

XXIII.

When a coastal station receives calls from several shipboard stations, the coastal station shall decide the order in which the shipboard stations shall be admitted to exchange their messages.

In fixing this order the coastal station shall be guided exclusively by the necessity of permitting each station concerned to exchange the greatest possible number of wireless telegrams.

XXIV.

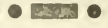
Before beginning the exchange of correspondence the coastal station shall advise the shipboard station whether the transmission is to be effected in the alternate order or by series (Article XVIII); it shall then begin the transmission or follow up the preliminaries with the signal

(invitation to transmit).

XXV.

The transmission of the wireless telegram shall be preceded by the signal

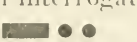
and terminated by the signal



followed by the name of the sending station.

XXVI.

When a wireless telegram to be transmitted contains more than 40 words, the sending station shall interrupt the transmission after each series of about 20 words by an interrogation point



and shall not resume it until after it has obtained from the receiving station a repetition of the last word duly received, followed by an interrogation point.

In the case of transmission by series, acknowledgment of receipt shall be made after each wireless telegram.

XXVII.

1. When the signals become doubtful every possible means shall be resorted to to finish the transmission. To this end the wireless telegram shall be repeated at the request of the receiving station, but not to exceed three times. If in spite of such triple repetition the signals are still unreadable the wireless telegram shall be canceled. If no acknowledgment of receipt is received the transmitting station shall again call up the receiving station. If no reply is made after three calls the transmission shall not be followed up any further.

2. If in the opinion of the receiving station the wireless telegram, although imperfectly received, is nevertheless capable of transmission, said station shall enter the words "reception doubtful" at the end of the preamble and let the wireless telegram follow.

XXVIII.

All stations are bound to carry on the service with as little expense of energy as may be necessary to insure safe communication.

d. ACKNOWLEDGMENT OF RECEIPT AND CONCLUSION OF WORK.

XXIX.

1. Receipt shall be acknowledged in the form prescribed by the International Telegraph Regulations, preceded by the call letters of the transmitting station and followed by those of the receiving station.

2. The conclusion of a correspondence between two stations shall be indicated by each station by means of the signal

followed by its call letters.

e. DIRECTIONS TO BE FOLLOWED IN SENDING WIRELESS TELEGRAMS.

XXX.

1. In general, the shipboard stations shall transmit their wireless telegrams to the nearest coastal station.

2. A sender on board a vessel shall, however, have the right to designate the coastal station through which he desires to have his wireless telegram transmitted.

3. The station on shipboard shall then wait until such coastal station shall be the nearest. If this can not be done, the wishes of the sender are to be complied with only if the transmission can be effected without interfering with the service of other stations.

7. Delivery of Wireless Telegrams at their Destination.

XXXI.

When for any cause whatever a wireless telegram proceeding from a vessel at sea can not be delivered to the addressee, a notice of non-delivery shall be issued. Such notice shall be transmitted to the vessel if possible. When a wireless telegram received by a shipboard station can not be delivered, the station shall notify the office of origin by official notice. Such notice shall be transmitted, whenever practicable, to the coastal station through which the wireless telegram has passed in transit; otherwise, to the nearest coastal station.

XXXII.

If the ship for which a wireless telegram is intended has not signalled her presence to the coastal station within the period designated by the sender, or, in the absence of such designation, by the morning of the 29th day following, the coastal station shall notify the sender.

The latter shall have the right to ask, by a paid official notice, sent by either telegraph or mail and addressed to the coastal station, that his wireless telegram be held for a further period of 30 days for transmission to the vessel, and so on. In the absence of such request the wireless telegram shall be put aside as not transmissible at the end of the 30th day (exclusive of the day of posting).

If, however, the coastal station has positive information that the vessel has left its radius of action before it has been able to transmit to her the wireless message, such station shall so notify the sender.

8. Special Telegrams.

XXXIII.

The following telegrams shall not be accepted for transmission:

(a) Telegrams with answer prepaid;

(b) Money order telegrams;

(c) Telegrams calling for repetition of message (for purposes of verification);

(d) Telegrams calling for acknowledgment of receipt;

(e) Telegrams to be forwarded (if addressee is not found at the address given);

(f) Paid service telegrams, except in so far as transmission over the lines of the telegraph system is concerned;

(g) Urgent telegrams, except in so far as transmission over the lines of the telegraph system is concerned, subject to the application of the provisions of the International Telegraph Regulations;

(h) Telegrams to be delivered by express or mail.

9. Files.

XXXIV.

The originals of wireless telegrams and the documents relating thereto retained by the managements of the wireless telegraph service or by private enterprises shall be kept for a period of at least twelve months beginning with the month following that of the posting of the wireless telegram, with all the necessary precautions as regards secrecy.

Such originals and documents shall, as far as practicable, be sent at least once a month by the shipboard stations to the management of the wireless telegraph service to which they are subject.

10. Rebates and Reimbursements.

XXXV.

1. With regard to rebates and reimbursements, the provisions of the International Telegraph Regulations shall be applicable, taking into account the restrictions specified in Article XXXIII of the present Regulations and subject to the following reservations:

The time employed in the transmission of wireless telegrams and the time that wireless telegrams remain in a coastal station or station on shipboard shall not be counted as delays as regards rebates or reimbursements.

Reimbursements shall be borne by the different managements of the wireless telegraph service or private enterprises which have taken part in the transmission of the wireless telegram, each management or private enterprise relinquishing its share of the rate. Wireless telegrams to which articles 7 and 8 of the Convention of St. Petersburg are applicable shall remain subject, however, to the provisions of the International Telegraph Regulations, except when the acceptance of such telegrams is the result of an error made by the telegraph service.

2. When the acknowledgment of receipt of a wireless telegram has not reached the station which has transmitted the telegram, the charges shall be refunded only if the fact has been established that the wireless telegram is entitled to reimbursement.

11. Accounts and Payment of Charges.

XXXVI.

1. The coastal and shipboard charges shall not enter into the accounts provided for by the International Telegraph Regulations.

The accounts regarding such charges shall be liquidated by the managements of the wireless telegraph service of the countries concerned. They shall be drawn up by the wireless telegraph management to which the coastal stations are subject, and communicated by them to the wireless telegraph managements concerned.

2. For transmission over the lines of the telegraph system wireless telegrams shall be treated, so far as the payment of rates is concerned, in conformity with the International Telegraph Regulations.

3. For wireless telegrams proceeding from ships, the wireless telegraph management to which the shipboard station is subject shall be charged by the wireless telegraph management to which the coastal station is subject with the coastal and ordinary telegraph rates charged on board of vessels.

For wireless telegrams intended for ships, the wireless telegraph management which has collected the fees shall be charged directly by the wireless telegraph management to which the coastal station is subject with the coastal and shipboard rates. The latter shall credit the wireless telegraph management to which the vessel is subject with the shipboard rate.

In case the wireless telegraph management which has collected the charges is the same, however, as the one to which the shipboard station is subject, the shipboard rate shall not be charged by the wireless telegraph management to which the coastal station is subject.

4. The monthly accounts serving as a basis for the special accounts of wireless telegrams shall be made out for each telegram separately with all the necessary data within a period of six months from the month to which they refer.

5. The Governments reserve the right to enter into special agreements among themselves and with private enterprises (parties operating wireless telegraph stations, shipping companies, etc.) with a view of adopting other provisions with regard to accounts.

12. International Bureau.

XXXVII.

The International Bureau of Telegraphs shall be entrusted with the duties specified in Article 13 of the Convention, subject to the consent of the Government of the Swiss Federation and the approval of the Telegraph Union.

The additional expenses resulting from the work of the International Bureau so far as wireless telegraphy is concerned shall not exceed 40,000 francs a year, exclusive of the special expenses arising from the convening of the International Conference.

These expenses shall form the subject of a special account, and the provisions of the International Telegraph Regulations shall be applicable to them. Before the convening of the next Conference, however, each contracting Government shall notify the International Bureau of the class in which it desires to be entered.

XXXVIII.

The management of the wireless telegraph service of the different countries shall forward to the International Bureau a table in conformity with the annexed blank, containing the data enumerated in said table for stations such as referred to in Article IV of the regulations. Changes occurring and additional data shall be forwarded by the wireless telegraph managements to the International Bureau between the 1st and 10th day of each month. With the aid of such data the International Bureau shall draw up a list which it shall keep

up to date. The list and the supplements thereto shall be printed and distributed to the wireless telegraph managements of the countries concerned; they may also be sold to the public at the cost price.

The International Bureau shall see to it that the same call letters for several wireless telegraph stations shall not be adopted.

13. Miscellaneous Provisions.

XXXIX.

The managements of the wireless telegraph service shall give to agencies of maritime information such data regarding losses and casualties at sea or other information of general interest to navigation, as the coastal stations may properly report.

XL.

The exchange of correspondence between shipboard stations such as referred to in Article 1 of the Convention shall be carried on in such a manner as not to interfere with the service of the coastal stations, the latter, as a general rule, being accorded the right of priority for the public service.

XLI.

1. In the absence of special agreements between the parties concerned, the provisions of the present Regulations shall be applicable analogously to the exchange of wireless telegrams between two vessels at sea, subject to the following exceptions:

(a) To Article XIV. The shipboard rate falling to the transmitting ship shall be collected from the sender, and that falling to the receiving ship shall be collected from the addressee;

(b) To Article XVIII. The order of transmission shall be regulated in each case by mutual agreement between the corresponding stations.

(c) To Article XXXVI. The rates for the wireless telegrams in question shall not enter into the accounts provided for in that article, such charges falling to the wireless telegraph managements which have collected them.

2. Retransmission of wireless telegrams exchanged between vessels at sea shall be subject to special agreements between the parties concerned.

XLII.

The provisions of the International Telegraph Regulations shall be applicable analogously to wireless telegraph correspondence in so far as they are not contrary to the provisions of the present regulations.

In conformity with Article 11 of the Convention of Berlin, these Regulations shall go into effect on the first day of July, 1908.

In witness whereof the respective plenipotentiaries have signed one copy of the present Regulations, which shall be deposited in the

archives of the Imperial Government of Germany, and a copy of which shall be transmitted to each of the Parties.

Done at Berlin, November 3, 1906.

For Germany:

KRAETKE.
SYDOW.

For United States:

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76844—S. Doc. 1063, 62-3——12

[Supplement to Article XXXVIII of the Regulations.]

Wireless telegraph management of_____

Descriptive list of wireless telegraph stations.

(a) COASTAL STATIONS.

Name.	Nationality.	Geographical location.	Call letters.	Normal range.	Wireless telegraph system.	Class of receiving apparatus (recording, acoustic, or other apparatus).	Wave lengths (the normal wave length to be underscored).	Nature of service furnished by station.	Hours during which station is open (indicating meridian to which they refer).	Coastal rate, stating minimum rate.	Remarks.

(b) SHIPBOARD STATIONS.

Name.	Nationality.	Distinguishing signal of the international code of signals.	Name of home port.	Call letters.	Normal range.	Wireless telegraph system.	Class of receiving apparatus (recording, acoustic, or other apparatus).	Wave lengths (the normal wave length to be underscored).	Nature of service furnished by station.	Hours during which station is open.	Shipboard rate, stating minimum rate.	Remarks.
					(1) War vessels.							
					(2) Merchant vessels.							

Extract from the International Telegraph Convention, Signed at St. Petersburg, July 10–22, 1875.

[See article 17 of the convention.]

Articles.

I. Right to correspond by international telegraphs.
II. Secrecy and safety of transmission of messages.
III. Responsibility as regards service.
V. Classification of telegrams.
VI. Exchange of telegrams in secret language.
VII. Right to intercept private telegrams which may appear dangerous or contrary to laws of the country.
VIII. Right to suspend service.
XI. Transmission of telegrams relating to telegraph service.
XII. Accounts.
XVII. Reservation with respect to special agreements regarding service which do not interest States generally.

Article 1.

The High Contracting Parties concede to all persons the right to correspond by means of the international telegraphs.

Article 2.

They bind themselves to take all the necessary measures for the purpose of insuring the secrecy of the correspondence and its safe transmission.

Article 3.

They declare, nevertheless, that they accept no responsibility as regards the international telegraph service.

Article 5.

Telegrams are classed in three categories:

1. State telegrams: those emanating from the Head of the Nation, the Ministers, the Commanders-in-Chief of the Army and Naval forces, and the Diplomatic or Consular Agents of the Contracting Governments, as well as the answers to such telegrams.

2. Service telegrams: those which emanate from the Managements of the Telegraph Service of the Contracting States and which relate either to the international telegraph service or to subjects of public interest determined jointly by such Managements.

3. Private telegrams.

In the transmission, the State telegrams shall have precedence over other telegrams.

Article 6.

State telegrams and service telegrams may be issued in secret language, in any communications.

Private telegrams may be exchanged in secret language between two States which admit of this mode of correspondence.

The States which do not admit of private telegrams in secret language upon the expedition or arrival of the same, shall allow them to pass in transit, except in the case of suspension defined in article 8.

ARTICLE 7.

The High Contracting Parties reserve the right to stop the transmission of any private telegram which may appear dangerous to the safety of the State, or which may be contrary to the laws of the country, to public order or good morals.

ARTICLE 8.

Each Government also reserves the right to suspend the international telegraph service for an indefinite period, if deemed necessary by it, either generally, or only over certain lines and for certain classes of correspondence, of which such Government shall immediately notify all the other Contracting Governments.

ARTICLE 11.

Telegrams relating to the international telegraph service of the Contracting States shall be transmitted free of charge over the entire systems of such States.

ARTICLE 12.

The High Contracting Parties shall render accounts to one another of the charges collected by each of them.

ARTICLE 17.

The High Contracting Parties reserve respectively the right to enter among themselves into special arrangements of any kind with regard to points of the service which do not interest the States generally.

AND WHEREAS, the said convention, with service regulations annexed thereto, the supplementary agreement, and the final protocol have been ratified by the Government of the United States, by and with the advice and consent of the Senate thereof, and by the Governments of Germany, the Argentine Republic, Austria, Hungary, Belgium, Brazil, Bulgaria, Denmark, Spain, France, Great Britain, Japan, Mexico, Monaco, Norway, Netherlands, Persia, Portugal, Roumania, Russia, Sweden, and Turkey, and the ratifications of the said Governments were, by the provisions of Article 23 of the said convention, deposited by their respective Plenipotentiaries with the German Government;

AND WHEREAS, the said convention has been adhered to by the Governments of Morocco and Zanzibar, by the Government of Austria-Hungary on behalf of Bosnia and Herzegovina, by the Government of Belgium on behalf of the Kongo Colony, by the Government of Great Britain on behalf of the South African Union, by the Government of Japan on behalf of Korea, Formosa, the Japanese part of

Saghalin Island and the leased portion of the Kwangtung Peninsula, by the Government of the Netherlands on behalf of the Dutch Indies and Curaçao Colony, and by the Government of Portugal on behalf of Angola, Mozambique, Cape Verde Islands, Guinea, St. Thomas and Prince's Islands, Goa, Damao, Diu, Macao, and Timor;

Now, THEREFORE, be it known that I, WILLIAM HOWARD TAFT, President of the United States of America, have caused the said convention and annexes to be made public, to the end the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this twenty-fifth day of May in the year of our Lord one thousand nine hundred and twelve, [SEAL.] and of the Independence of the United States of America the one hundred and thirty-sixth.

WM H TAFT

By the President:
P C KNOX
Secretary of State

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PART II.

TREATIES, CONVENTIONS, INTERNATIONAL ACTS, PROTOCOLS, AND AGREEMENTS, RATIFICATIONS OF WHICH HAVE BEEN ADVISED BY THE SENATE BUT ARE NOT IN FORCE BY REASON OF THE FAILURE OF RATIFICATION BY OTHER SIGNATORY POWERS OR THE PRESIDENT OF THE UNITED STATES.

PART II.

1912.

International Wireless Telegraph Convention.

Concluded July 5, 1912; ratification advised by the Senate January 22, 1913.

[This convention, if proclaimed, will supersede the convention signed at Berlin, November 3, 1906, page 147. The text is taken from the copy printed for the use of the Senate of the United States.]

Articles.

I. Obligation.
II. Coastal stations defined.
III. Reciprocal exchange of telegrams.
IV. Reservation of station for limited public service.
V. Coastal stations and telegraph system connections.
VI. Information necessary to facilitate and accelerate exchange of radiotelegrams.
VII. Exemption as to special wireless communication.
VIII. Interference.
IX. Calls from ships in distress.
X. Rates.
XI. Regulations and modification thereof.
XII. Personnel of conference; voting power; adherence for colonies.
XIII. International Bureau; duties, expenses.
XIV. Terms on which radiotelegrams shall be received.
XV. Scope of articles 8 and 9.
XVI. Adherence by other powers.
XVII. International Telegraph Convention of St. Petersburg.
XVIII. Arbitration of differences between powers.
XIX. Legislation for execution of convention.
XX. Notification of existing or proposed legislation.
XXI. Reservation of liberty to install wireless telegraph.
XXII. Effect; duration.
XXIII. Ratification.

[Translation.]

International Radiotelegraph Convention concluded between Germany and the German Protectorates, the United States of America and the Possessions of the United States of America, the Argentine Republic, Austria, Hungary, Bosnia-Herzegovina, Belgium, the Belgian Congo, Brazil, Bulgaria, Chile, Denmark, Egypt, Spain and the Spanish Colonies, France and Algeria, French West Africa, French Equatorial Africa, Indo-China, Madagascar, Tunis, Great Britain and the various British Colonies and Protectorates, the Union of South Africa, the Australian Federation, Canada, British India, New Zealand, Greece, Italy and the Italian Colonies, Japan and Chosen, Formosa, Japanese Sakhalin and the leased territory of Kwantung, Morocco, Monaco, Norway, the Netherlands, the Dutch Indies and the Colony of Curacao, Persia, Portugal and the Portuguese Colonies, Roumania, Russia and the Russian Possessions and Protectorates, The Republic of San Marino, Siam, Sweden, Turkey, and Uruguay.

The undersigned, plenipotentiaries of the Governments of the countries enumerated above, having met in conference at London, have agreed on the following Convention, subject to ratification:

ARTICLE 1.

The High Contracting Parties bind themselves to apply the provisions of the present Convention to all radio stations (both coastal stations and stations on shipboard) which are established or worked by the Contracting Parties and open to public service between the coast and vessels at sea.

They further bind themselves to make the observance of these provisions obligatory upon private enterprises authorized either to establish or work coastal stations for radiotelegraphy open to public service between the coast and vessels at sea, or to establish or work radio stations, whether open to general public service or not, on board of vessels flying their flag.

ARTICLE 2.

By " coastal stations " is to be understood every radio station established on shore or on board a permanently moored vessel used for the exchange of correspondence with ships at sea.

Every radio station established on board any vessel not permanently moored is called a " station on shipboard."

ARTICLE 3.

The coastal stations and the stations on shipboard shall be bound to exchange radiograms without distinction of the radio system adopted by such stations.

Every station on shipboard shall be bound to exchange radiograms with every other station on shipboard without distinction of the radio system adopted by such stations.

However, in order not to impede scientific progress, the provisions of the present Article shall not prevent the eventual employment of a radio system incapable of communicating with other systems, provided that such incapacity shall be due to the specific nature of such system and that it shall not be the result of devices adopted for the sole purpose of preventing intercommunication.

ARTICLE 4.

Notwithstanding the provisions of Article 3, a station may be reserved for a limited public service determined by the object of the correspondence or by other circumstances independent of the system employed.

ARTICLE 5.

Each of the High Contracting Parties undertakes to connect the coastal stations to the telegraph system by special wires, or, at least,

to take other measures which will insure a rapid exchange between the coastal stations and the telegraph system.

ARTICLE 6.

The High Contracting Parties shall notify one another of the names of coastal stations and stations on shipboard referred to in Article 1, and also of all data, necessary to facilitate and accelerate the exchange of radiograms, as specified in the Regulations.

ARTICLE 7.

Each of the High Contracting Parties reserves the right to prescribe or permit at the stations referred to in Article 1, apart from the installation the data of which are to be published in conformity with Article 6, the installation and working of other devices for the purpose of establishing special radio communication without publishing the details of such devices.

ARTICLE 8.

The working of the radio stations shall be organized as far as possible in such manner as not to disturb the service of other radio stations.

ARTICLE 9.

Radio stations are bound to give absolutely priority to calls of distress from whatever source, to similarly answer such calls and to take such action with regard thereto as may be required.

ARTICLE 10.

The charge for a radiogram shall comprise, according to the circumstances:

1. (a) The coastal rate, which shall fall to the coastal station;
(b) The shipboard rate, which shall fall to the shipboard station.
2. The charge for transmission over the telegraph lines, to be computed according to the ordinary rules.
3. The charges for transit through the intermediate coastal or shipboard stations and the charges for special services requested by the sender.

The coastal rate shall be subject to the approval of the Government of which the coastal station is dependent, and the shipboard rate to the approval of the Government of which the ship is dependent.

ARTICLE 11.

The provisions of the present Convention are supplemented by Regulations, which shall have the same force and go into effect at the same time as the Convention.

The provisions of the present Convention and of the Regulations relating thereto may at any time be modified by the High Contracting Parties by common consent. Conferences of plenipotentiaries

having power to modify the Convention and the Regulations, shall take place from time to time; each conference shall fix the time and place of the next meeting.

ARTICLE 12.

Such conferences shall be composed of delegates of the Governments of the contracting countries.

In the deliberations each country shall have but one vote.

If a Government adheres to the Convention for its colonies, possessions or protectorates, subsequent conferences may decide that such colonies, possessions or protectorates, or a part thereof, shall be considered as forming a country as regards the application of the preceding paragraph. But the number of votes at the disposal of one Government, including its colonies, possessions or protectorates, shall in no case exceed six.

The following shall be considered as forming a single country for the application of the present Article:

German East Africa
German Southwest Africa
Kamerun
Togo Land
German Protectorates in the Pacific
Alaska
Hawaii and the other American possessions in Polynesia
The Philippine Islands
Porto Rico and the American possessions in the Antilles
The Panama Canal Zone
The Belgian Congo
The Spanish Colony of the Gulf of Guinea
French East Africa
French Equatorial Africa
Indo-China
Madagascar
Tunis
The Union of South Africa
The Australian Federation
Canada
British India
New Zealand
Eritrea
Italian Somaliland
Chosen, Formosa, Japanese Sakhalin and the leased territory of Kwantung
The Dutch Indies
The Colony of Curacao
Portuguese West Africa
Portuguese East Africa and the Portuguese possessions in Asia
Russian Central Asia (littoral of the Caspian Sea)
Bokhara
Khiva
Western Siberia (littoral of the Arctic Ocean)
Eastern Siberia (littoral of the Pacific Ocean).

ARTICLE 13.

The International Bureau of the Telegraph Union shall be charged with collecting, coordinating and publishing information of every kind relating to radiotelegraphy, examining the applications for changes in the Convention or Regulations, promulgating the amendments adopted, and generally performing all administrative work referred to it in the interest of international radiotelegraphy.

The expense of such institution shall be borne by all the contracting countries.

ARTICLE 14.

Each of the High Contracting Parties reserves to itself the right of fixing the terms on which it will receive radiograms proceeding from or intended for any station, whether on shipboard or coastal, which is not subject to the provisions of the present Convention.

If a radiogram is received the ordinary rates shall be applicable to it.

Any radiogram proceeding from a station on shipboard and received by a coastal station of a contracting country, or accepted in transit by the administration of a contracting country, shall be forwarded.

Any radiogram intended for a vessel shall also be forwarded if the administration of the contracting country has accepted it originally or in transit from a non-contracting country, the coastal station reserving the right to refuse transmission to a station on shipboard subject to a non-contracting country.

ARTICLE 15.

The provisions of Articles 8 and 9 of this Convention are also applicable to radio installation other than those referred to in Article 1.

ARTICLE 16.

Governments which are not parties to the present Convention shall be permitted to adhere to it upon their request. Such adherence shall be communicated through diplomatic channels to the contracting Government in whose territory the last conference shall have been held, and by the latter to the remaining Governments.

The adherence shall carry with it to the fullest extent acceptance of all the clauses of this Convention and admission to all the advantages stipulated therein.

The adherence to the Convention by the Government of a country having colonies, possessions or protectorates shall not carry with it the adherence of its colonies, possessions or protectorates unless a declaration to that effect is made by such Government. Such colonies, possessions and protectorates, as a whole or each of them, separately, may form the subject of a separate adherence or a separate denunciation within the provisions of the present Article and of Article 22.

ARTICLE 17.

The provisions of Articles 1, 2, 3, 5, 6, 7, 8, 11, 12 and 17 of the International Telegraph Convention of St. Petersburg of July 10–22, 1875, shall be applicable to international radiotelegraphy.

ARTICLE 18.

In case of disagreement between two or more contracting Governments regarding the interpretation or execution of the present Convention or of the Regulations referred to in Article 11, the question in dispute may, by mutual agreement, be submitted to arbitration. In such case each of the Governments concerned shall choose another Government not interested in the question at issue.

The decision of the arbiters shall be arrived at by the absolute majority of votes.

In case of a division of votes, the arbiters shall choose, for the purpose of settling the disagreement, another contracting Government which is likewise a stranger to the question at issue. In case of failure to agree on a choice, each arbiter shall propose a disinterested contracting Government and lots shall be drawn between the Governments proposed. The drawing of the lots shall fall to the Government within whose territory the international bureau provided for in Article 13 shall be located.

ARTICLE 19.

The High Contracting Parties bind themselves to take, or propose to their respective legislatures, the necessary measures for insuring the execution of the present Convention.

ARTICLE 20.

The High Contracting Parties shall communicate to one another any laws already framed, or which may be framed, in their respective countries relative to the object of the present Convention.

ARTICLE 21.

The High Contracting Parties shall preserve their entire liberty as regards radio installations other than provided for in Article 1, especially naval and military installations, and stations used for communications between fixed points. All such installations and stations shall be subject only to the obligations provided for in Articles 8 and 9 of the present Convention.

However, when such installations and stations are used for public maritime service they shall conform, in the execution of such service, to the provisions of the Regulations as regards the mode of transmission and rates.

On the other hand, if coastal stations are used for general public service with ships at sea and also for communication between fixed points, such stations shall not be subject, in the execution of the last named service, to the provisions of the Convention except for the observance of Articles 8 and 9 of this Convention.

Nevertheless, fixed stations used for correspondence between land and land shall not refuse the exchange of radiograms with another

fixed station on account of the system adopted by such station; the liberty of each country shall, however, be complete as regards the organization of the service for correspondence between fixed points and the nature of the correspondence to be effected by the stations reserved for such service.

ARTICLE 22.

The present Convention shall go into effect on the 1st day of July, 1913, and shall remain in force for an indefinite period or until the expiration of one year from the day when it shall be denounced by any of the contracting parties.

Such denunciation shall affect only the Government in whose name it shall have been made. As regards the other Contracting Powers, the Convention shall remain in force.

ARTICLE 23.

The present Convention shall be ratified and the ratifications exchanged at London with the least possible delay.

In case one or several of the High Contracting Parties shall not ratify the Convention, it shall nevertheless be valid as to the Parties which shall have ratified it.

In witness whereof the respective plenipotentiaries have signed one copy of the Convention, which shall be deposited in the archives of the British Government, and a copy of which shall be transmitted to each Party.

Done at London, July 5, 1912.

For Germany and the German Protectorates:

B. KOEHLER
O. WACHENFELD
Dr. KARL STRECKER
SCHRADER
GOETSCH
Dr. EMIL KRAUSS
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For Argentine Republic:

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A. Frouin.

For French West Africa:

A. Duchêne.

For French Equatorial Africa:

A. Duchêne.

For Indo-China:

A. Duchêne.

For Madagascar:

A. Duchêne.

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A. EULER
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V. DMITRIEFF
D. SOKOLTSOW
A. STCHASTNYI
BARON A. WYNEKEN.

For Republic of San Marino:
ARTURO SERENA.

For Siam:

LUANG SANPAKITCH PREECHA
WM. J. ARCHER

For Sweden:

RYDIN
HAMILTON.

For Turkey:

M. EMIN
M. FAHRY.
OSMAN SADI

For Uruguay:

FED. R. VIDIELLA.

[Translation.]

FINAL PROTOCOL

At the moment of signing the Convention adopted by the International Radiotelegraph Conference of London, the undersigned plenipotentiaries have agreed as follows:

I.

The exact nature of the adherence notified on the part of Bosnia-Herzegovina not yet being determined, it is recognized that one vote shall be assigned to Bosnia-Herzegovina but that a decision will be necessary at a later date as to whether this vote belongs to Bosnia-Herzegovina in virtue of the second paragraph of Article 12 of the Convention, or whether this vote is accorded to it in conformity with the provisions of the third paragraph of that Article.

II.

Note is taken of the following declaration:

The Delegation of the United States declares that its government is under the necessity of abstaining from all action with regard to rates, because the transmission of radiograms as well as of ordinary telegrams in the United States is carried on, wholly or in part, by commercial or private companies.

III.

Note is likewise taken of the following declaration:

The Government of Canada reserves the right to fix separately, for each of its coastal stations, a total maritime rate for radiograms proceeding from North America and destined for any ship whatever, the coastal rate amounting to three-fifths and the shipboard rate to two-fifths of the total rate.

In witness whereof the respective plenipotentiaries have drawn up the present Final Protocol, which shall be of the same force and effect as though the provisions thereof had been embodied in the text of the Convention itself to which it has reference, and they have signed one copy of the same, which shall be deposited in the archives of the British Government, and a copy of which shall be transmitted to each of the Parties.

Done at London, July 5, 1912.

For Germany and the German Protectorates:
B. Koehler
O. Wachenfeld
Dr. Karl Strecker
Schrader
Goetsch
Dr. Emil Krauss
Fielitz

For the United States and the possessions of the United States:
John R. Edwards
Jno. Q. Walton
Willis L. Moore
Louis W. Austin
George Owen Squier
Edgar Russel
C. McK. Saltzman
David Wooster Todd
John Hays Hammond, Jr.
Webster
W. D. Terrell
John I. Waterbury.

For Argentine Republic:
Vincente J. Dominguez.

For Austria:
Dr. Fritz Ritter Wagner von Juaregg.
Dr. Rudolf Ritter Speil v. Ostheim.

For Hungary:
Charles Follért
Dr. de Hennyey

For Bosnia-Herzegovina:
G. Goiginger, G. M.
Adolph Daninger
A. Cicoli
Romeo Vio.

For Belgium:
J. Banneaux
Deldime

For Belgian Congo:
Robert B. Goldschmidt.

For Brazil:
Dr. Francisco Bhering

For Bulgaria:
Iv. Stoyanovitch.

For Chile:
C. E. Rickard.

For Denmark:
N. Meyer
J. A. Voihtz
R. N. A. Faber
T. F. Krarup.

For Egypt:
J. S. Liddell.

For Spain and the Spanish Colonies:
Jacobo Garcia Roure
Juan de Carranza y Garrido
Jacinto Labrador
Antonio Nieto
Tomás Fernandez Quintana
Jaime Janer Robinson.

For France and Algeria:
A. Frouin.

For French West Africa:
A. Duchêne.

For French Equatorial Africa:
A. Duchêne.

For Indo China:
A. Duchêne.

For Madagascar:
A. Duchêne.

For Tunis:
Et. de Felcourt.

For Great Britain and the various British Colonies and Protectorates:
H. Babington Smith
E. W. Farnall
E. Charlton
G. M. W. Macdonogh

For Union of South Africa:
Richard Solomon.

For Australian Federation:
Charles Bright.

For Canada:
G. J. Desbarats.

For British India:
H. A. Kirk.
F. E. Dempster.

For New Zealand:
C. Wray Palliser.

For Greece:
C. Dosios.

For Italy and the Italian Colonies:
Prof. A. Battelli.

For Japan and for Chosen, Formosa, Japanese Sakhalin, and the leased territory of Kwantung:
Tetsujiro Sakano.
Kenji Ide.
Riuji Nakayama.
Seiichi Kurose.

For Morocco:
Mohammed el Kabadj.
U. Asensio.

For Monaco:
Fr. Roussel.

For Norway:
Heftye.
K. A. Knudsson.

For Netherlands:
G. J. C. A. Pop
J. P. Guépin.

For Dutch Indies and the Colony of Curacao:
PERK.
F. VAN DER GOOT.
For Persia:
MIRZA ABDUL GHAFFAR KHAN.
For Portugal and the Portuguese Colonies:
ANTONIO MARIA DA SILVA.
For Roumania:
C. BOERESCU.
For Russia and the Russian possessions and Protectorates:
N. DE ETTER.
P. OSSADTCHY.
A. EULER.
SERGUEIEVITCH.
V. DMITRIEFF.
D. SOKOLTSOW.
A. STCHASTNYI.
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For Republic of San Marino:
ARTURO SERENA.
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LUANG SANPAKITCH PREECHA.
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For Sweden:
RYDIN.
HAMILTON.
For Turkey:
M. EMIN.
M. FAHRY.
OSMAN SADI.
For Uruguay:
FED. R. VIDIELLA.

SERVICE REGULATIONS AFFIXED TO THE INTERNATIONAL RADIOTELEGRAPH CONVENTION, LONDON, 1912.

I. Organization of radio stations. Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.
II. Hours of service of stations. Article 13.
III. Form and posting of radiotelegrams. 14 and 15.
IV. Rates. Articles 16, 17, and 18
V. Collection of charges. Article 19.
VI. Transmission of radiograms:
(*a*) Signals of transmission. Articles 20, 21, 22.
(*b*) Order of transmission. Article 23.
(*c*) Method of calling radio stations and transmission of radiograms. Articles 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33.
(*d*) Acknowledgment of receipt and conclusion of word. Article 24.
VI. Transmission of radiograms—(Continued):
(*e*) Directions to be followed in sending radiograms. Article 35.
VII. Delivery of radiograms at their destination. Articles 36 and 37.
VIII. Special radiograms. Articles 38 and 39.
IX. Files. Article 40.
X. Rebates and reimbursements. Article 41.
XI. Accounts and payment of charges. Article 42.
XII. International Bureau. Articles 43 and 44.
XIII. Meteorological radiograms, time signals, and other radiograms. Article 45.
XIV. Miscellaneous provisions. Articles 46, 47, 48, 49, 50.

[Translation.]

1. ORGANIZATION OF RADIO STATIONS.

ARTICLE 1.

The choice of radio apparatus and devices to be used by the coastal stations and stations on shipboard shall be unrestricted. The installation of such stations shall as far as possible keep pace with scientific and technical progress.

ARTICLE II.

Two wave lengths, one of 600 meters and the other of 300 meters, are authorized for general public service. Every coastal station opened to such service shall be equipped in such manner as to be able to use these two wave lengths, one of which shall be designated as the normal wave length of the station. During the whole time that a coastal station is open it shall be in condition to receive calls according to its normal wave length. For the correspondence specified under paragraph 2 of Article XXXV, however, a wave length of 1,800 meters shall be used. In addition, each Government may authorize in coastal stations the employment of other wave lengths designed to insure long-range service or any service other than for general public correspondence established in conformity with the provisions of the Convention under the reservation that such wave lengths do not exceed 600 meters or that they do exceed 1,600 meters.

In particular, stations used exclusively for sending signals designed to determine the position of ships shall not employ wave lengths exceeding 150 meters.

ARTICLE III.

1. Every station on shipboard shall be equipped in such manner as to be able to use wave lengths of 600 meters and of 300 meters. The first shall be the normal wave length and may not be exceeded for transmission except in the case referred to under Article XXXV (paragraph 2).

Other wave lengths, less than 600 meters, may be used in special cases and under the approval of the managements to which the coastal and shipboard stations concerned are subject.

2. During the whole time that a station on shipboard is open it shall be able to receive calls according to its normal wave length.

3. Vessels of small tonnage which are unable to use a wave length of 600 meters for transmission, may be authorized to employ exclusively the wave length of 300; they must be able to receive a wave length of 600 meters.

ARTICLE IV.

Communication between a coastal station and a station on shipboard shall be exchanged on the part of both by means of the same wave length. If, in a particular case, communication is difficult, the two stations may, by mutual consent, pass from the wave length with which they are communicating to the other regulation wave length. Both stations shall resume their normal wave length when the exchange of radiograms is finished.

Article V.

1. The International Bureau shall draw up, publish, and revise from time to time an official chart showing the coastal stations, their normal ranges, the principal lines of navigation, and the time normally taken by ships for the voyage between the different ports of call.

2. It shall draw up and publish a list of radio stations of the class referred to in Article I of the Convention, and from time to time supplements covering additions and modifications. Such list shall contain for each station the following data:

(1) In the case of coastal stations; name, nationality and geographical location indicated by the territorial subdivision and the latitude and longitude of the place; in the case of stations on shipboard; name and nationality of the ship; when the case arises, the name and address of the party working the station;

(2) The call letters (the calls shall be distinguishable from one another and each must be formed of a group of three letters);

(3) The normal range;

(4) The radio system with the characteristics of the transmitting system (musical sparks, tonality expressed by the number of double vibrations, etc.);

(5) The wave lengths used (the normal wave length to be underscored);

(6) The nature of the services carried on;

(7) The hours during which the station is open;

(8) When the case arises, the hour and method of transmitting time signals and meteorological telegrams;

(9) The coastal rate or shipboard rate.

3. The list shall also contain such data relating to radio stations other than those specified in Article I of the Convention as may be communicated to the International Bureau by the management of the Radio Service ("administration") to which such stations are subject, provided that such managements are either adherents to the Convention or, if not adherents, have made the declaration referred to in Article XLVIII.

4. The following notations shall be adopted in documents for use by the International Service to designate radio stations:

PG Station open to general public correspondence.
PR Station open to limited public correspondence.
P Station of private interest.
O Station open exclusively to official correspondence.
N Station having continuous service.
X Station having no fixed working hours.

5. The name of a station on shipboard appearing in the first column of the list shall be followed, in case there are two or more vessels of the same name, by the call letters of such station.

Article VI.

The exchange of superfluous signals and words is prohibited to stations of the class referred to in Article I of the Convention. Experiments and practice will be permitted in such stations in so far as they do not interfere with the service of other stations.

Practice shall be carried on with wave lengths different from those authorized for public correspondence, and with the minimum of power necessary.

ARTICLE VII.

1. All stations are bound to carry on the service with the minimum of energy necessary to insure safe communication.

2. Every coastal or shipboard station shall comply with the following requirements:

(a) The waves sent out shall be as pure and as little damped as possible;

In particular, the use of transmitting devices in which the waves sent out are obtained by means of sparks directly in the aerial (plain aerial) shall not be authorized except in cases of distress.

It may, however, be permitted in the case of certain special stations (those of small vessels for example) in which the primary power does not exceed 50 watts.

(b) The apparatus shall be able to transmit and receive at a speed equal to at least 20 words a minute, words to be counted at the rate of 5 letters each.

New installations using more than 50 watts shall be equipped in such a way as to make it possible to obtain with ease several ranges less than the normal range, the shortest being approximately 15 nautical miles. Existing installations using more than 50 watts shall be remodeled, wherever possible, so as to comply with the foregoing provisions.

(c) Receiving apparatus shall be able to receive, with the greatest possible protection against interference, transmissions of the wave lengths specified in the present Regulations, up to 600 meters.

3. Stations serving solely for determining the position of ships (radiophares) shall not operate over a radius greater than 30 nautical miles.

ARTICLE VIII.

Independently of the general requirements specified under Article VII, stations on shipboard shall likewise comply with the following requirements:

(a) The power transmitted to the radio apparatus, measured at the terminals of the generator of the station, shall not, under normal conditions, exceed one kilowatt.

(b) Subject to the provisions of Article XXXV, paragraph 2, power exceeding one kilowatt may be employed when the vessel finds it necessary to correspond while more than 200 nautical miles distant from the nearest coastal station, or when, owing to unusual circumstances, communication can be established only by means of an increase of power.

ARTICLE IX.

1. No station on shipboard shall be established or worked by private enterprise without a license issued by the Government to which the vessel is subject.

Stations on board of ships having their port of registry in a colony, possession, or protectorate may be described as subject to the authority of such colony, possession, or protectorate.

2. Every shipboard station holding a license issued by one of the contracting Governments shall be considered by the other Governments as having an installation fulfilling the requirements stipulated in the present Regulations.

Competent authorities of the countries at which the ship calls may demand the production of the license. In default of such production, these authorities may satisfy themselves as to whether the radio installations of the ship fulfill the requirements imposed by the present regulations.

When the management of the radio service of a country is convinced by its working that a station on shipboard does not fulfill the requirements, it shall, in every case, address a complaint to the management of the radio service of the country to which such ship is a subject. The subsequent procedure, when necessary, shall be the same as that prescribed in Article XII, paragraph 2.

Article X.

1. The service of the station on shipboard shall be carried on by a telegraph operator holding a certificate issued by the Government to which the vessel is subject, or, in case of necessity and for one voyage only, by some other adhering Government.

2. There shall be two classes of certificates:

The first class certificate shall attest the professional efficiency of the operator as regards:

(a) Adjustment of the apparatus and knowledge of its functioning;

(b) Transmission and acoustic reception at the rate of not less than 20 words a minute;

(c) Knowledge of the regulations governing the exchange of radio correspondence.

The second class certificate may be issued to operators who are able to transmit and receive at a rate of only 12 to 19 words a minute but who, in other respects, fulfill the requirements mentioned above. Operators holding second class certificates may be permitted on:

(a) Vessels which use radiotelegraphy only in their own service and in the correspondence of their crews, fishing vessels in particular;

(b) All vessels, as substitutes, provided such vessels have on board at least *one* operator holding a first-class certificate. However, on vessels classed under the first category indicated in Article XIII, the service shall be carried on by at least two telegraph operators holding first-class certificates.

In the stations on shipboard, transmissions shall be made only by operators holding first or second-class certificates except in cases of necessity where it would be impossible to conform to this provision.

(3) The certificate shall furthermore state that the Government has bound the operator to secrecy with regard to the correspondence.

4. The radio service of the station on shipboard shall be under the superior authority of the commanding officer of the ship.

Article XI.

Ships provided with radio installations and classed under the first two categories indicated in Article XIII are bound to have radio in-

stallations for distress calls all the elements of which shall be kept under conditions of the greatest possible safety to be determined by the Government issuing the license. Such emergency installations shall have their own source of energy, be capable of quickly being set into operation, of functioning for at least six hours, and have a minimum range of 80 nautical miles for ships of the first category and 50 miles for those of the second. Such emergency installations shall not be required in the case of vessels the regular installations of which fulfill the requirements of the present Article.

Article XII.

If the management of the radio service of a country has knowledge of any infraction of the Convention or of the Regulations committed in any of the stations authorized by it, it shall ascertain the facts and fix the responsibility.

In the case of stations on shipboard, if the operator is responsible for such infraction, the management of the radio service shall take the necessary measures, and, if the necessity should arise, withdraw the certificate. If it is ascertained that the infraction is the result of the condition of the apparatus or of instructions given the operator, the same method shall be pursued with regard to the license issued to the vessel.

2. In cases of repeated infractions chargeable to the same vessel, if the representations made to the management of the country to which the vessel is subject by that of another country remain without effect, the latter shall be at liberty, after giving due notice, to authorize its coastal stations not to accept communications proceeding from the vessel at fault. In case of disagreement between the managements of the radio service of two countries, the question shall be submitted to arbitration at the request of either of the two Governments concerned. The procedure is indicated in Article 18 of the Convention.

2. HOURS OF SERVICE OF STATIONS.

Article XIII.

(a) Coastal stations:

1. The service of coastal stations shall, as far as possible, be constant, day and night, without interruption.

Certain coastal stations, however, may have a service of limited duration. The management of the radio service of each country shall fix the hours of service.

2. The coastal stations whose service is not constant shall not close before having transmitted all their radiograms to the vessels which are within their radius of action, nor before having received from such vessels all the radiograms of which notice has been given. This provision is likewise applicable when vessels signal their presence before the actual cessation of work.

(b) Stations on shipboard:

3. Stations on shipboard shall be classed under three categories:

(1) Stations having constant service;

(2) Stations having a service of limited duration;

(3) Stations having no fixed working hours.

When the ship is under way, the following shipboard stations shall have an operator constantly listening in; 1st, Stations of the first category; 2nd, Those of the second category during the hours in which they are open to service. During the remaining hours, the last named stations shall have an operator at the radio instrument listening in during the first ten minutes of each hour. Stations of the third category are not bound to perform any regular service of listening in.

It shall fall to the Governments issuing the licenses specified in Article IX to fix the category in which the ship shall be classed as regards its obligations in the matter of listening in. Mention shall be made of such classification in the license.

3. FORM AND POSTING OF RADIOGRAMS.

ARTICLE XIV.

1. Radiograms shall show, as the first word of the preamble, that the service is "radio."

2. In the transmission of radiograms proceeding from a ship at sea, the date and hour of posting at the shipboard station shall be stated in the preamble.

3. Upon forwarding a radiogram over the telegraph system, the coastal station shall show thereon as the office of origin, the name of the ship of origin as it appears in the list, and also when the case arises, that of the last ship which acted as intermediary. These data shall be followed by the name of the coastal station.

ARTICLE XV.

The address of radiograms intended for ships shall be as complete as possible.

It shall embrace the following:

(a) The name or title of the addressee, with additional designations, if any;

(b) The name of the vessel as it appears in the first column of the list;

(c) The name of the coastal station as it appears in the list.

The name of the ship, however, may be replaced, at the sender's risk, by the designation of the route to be followed by such vessel, as determined by the names of the ports of departure and destination or by any other equivalent information.

2. In the address, the name of the ship as it appears in the first column of the list, shall, in all cases and independently of its length, be counted as one word.

3. Radiograms framed with the aid of the International Code of Signals shall be transmitted to their destination without being translated.

4. RATES.

ARTICLE XVI.

1. The coastal rate and the shipboard rate shall be fixed in accordance with the tariff per word, pure and simple, on the basis of an equitable remuneration for the radio work, with an optional minimum rate per radiogram.

The coastal rate shall not exceed 60 centimes (11.6 cents) a word, and the shipboard rate shall not exceed 40 centimes (7.7 cents) a word. However, each management shall be at liberty to authorize coastal and shipboard rates higher than such maxima in the case of stations of ranges exceeding 400 nautical miles, or of stations whose work is exceptionally difficult owing to physical conditions in connection with the installation or working of the same.

The optional minimum rate per radiogram shall not be higher than the coastal rate or shipboard rate for a radiogram of ten words.

2. In the case of radiograms proceeding from or destined for a country and exchanged directly with the coastal stations of such country, the rate applicable to the transmission over the telegraph lines shall not, on the average, exceed the inland rate of such country.

Such rate shall be computed per word, pure and simple, with an optional minimum rate which shall not exceed the rate for ten words. It shall be stated in francs by the management of the radio service of the country to which the coastal station is subject.

In the case of countries of the European system, with the exception of Russia and Turkey, there shall be but one rate for the territory of each country.

Article XVII.

1. When a radiogram proceeding from a ship and intended for the coast passes through one or two shipboard stations, the charges shall comprise, in addition to the rates of the shipboard station of origin, the coastal station and the telegraph lines, the shipboard rate of each of the ships which have participated in the transmission.

2. The sender of a radiogram proceeding from the coast and intended for a ship may require that his message be transmitted by way of one or two stations on shipboard; he shall deposit for this purpose an amount equal to the radio and telegraph rates and, in addition, a sum to be fixed by the office of origin, as surety for the payment to the intermediary shipboard stations of the transit rates fixed by paragraph 1. He shall further pay, at his option, either the rate for a telegram of five words or the price of the postage on a letter to be sent by the coastal station to the office of origin giving the necessary information for the liquidation of the amounts deposited.

The radiogram shall then be accepted at the sender's risk; it shall show before the address the prepaid instruction, to wit: "X retransmissions telegraph" or "X retransmissions letter" according to whether the sender desired the information necessary for the liquidation of the deposits to be furnished by telegraph or by letter.

3. The rate for radiograms proceeding from a ship intended for another ship, and forwarded through one or two intermediary coastal stations, shall comprise:

The shipboard rates of the two ships, the coastal rate of the coastal station or two coastal stations, as the case may be, and the telegraph rate, when necessary, applicable to the transmission between the two coastal stations.

4. The rate for radiograms exchanged between ships without the intervention of a coastal station shall comprise the shipboard rates

of the vessels of origin and destination together with the shipboard rates of the intermediary stations.

5. The coastal and shipboard rates accruing to the stations of transit shall be the same as those fixed for such stations when they are stations of origin or destination. In no case shall they be collected more than once.

6. In the case of every coastal station acting as intermediary, the rate to be collected for the service of transit shall be the highest coastal rate applicable to direct communication with the two ships concerned.

ARTICLE XVIII.

The country within whose territory a coastal station is established which serves as intermediary for the exchange of radiograms between a station on board ship and another country shall be considered, so far as the application of telegraph rates is concerned, as the country of origin or of destination of such radiograms, and not as the country of transit.

5. COLLECTION OF CHARGES.

ARTICLE XIX.

The total charge for radiograms shall be collected of the sender, with the exception of:

(1) Charges for special delivery (Art. LVIII, Par. 1, of the Telegraph Regulations); (2) Charges applicable to inadmissible combinations or alterations of words noted by the office or station of destination (Art. XIX, par. 9 of the Telegraph Regulations) such charges being collected of the addressee.

Stations on shipboard shall to that end have the necessary tariffs. They shall be at liberty, however, to obtain information from coastal stations on the subject of rates for radiograms for which they do not possess all the necessary data.

2. The counting of words by the office of origin shall be conclusive in the case of radiograms intended for ships and that of the shipboard station of origin shall be conclusive in the case of radiograms proceeding from ships, both for purposes of transmission and of the international accounts. However, when the radiogram is worded wholly or in part, either in one of the languages of the country of destination, in the case of radiograms proceeding from ships, or in one of the languages of the country to which the ship is subject, in the case of radiograms intended for ships, and contains combinations or alterations of words contrary to the usage of such language, the bureau or shipboard station of destination, as the case may be, shall have the right to recover from the addressee the amount of charge not collected. In case of refusal to pay, the radiogram may be withheld.

6. TRANSMISSION OF RADIOGRAMS.

(A) SIGNALS OF TRANSMISSION.

ARTICLE XX.

The signals to be employed are those of the Morse International Code.

Article XXI.

Ships in distress shall use the following signal:

repeated at brief intervals, followed by the necessary particulars.

As soon as a station hears the signal of distress it shall cease all correspondence and not resume it until after it has made sure that the correspondence to which the call for assistance has given rise is terminated.

Stations which hear a signal of distress shall conform to the instructions given by the ship making such signal as regards the order of the messages or their cessation.

In case the call letters of a particular station are added at the end of the series of calls for assistance, the answer to the call shall be incumbent upon that station alone unless such station fails to reply. If the call for assistance does not specify any particular station, every station hearing such call shall be bound to answer it.

Article XXII.

For the purpose of giving or requesting information concerning the radio service, stations shall make use of the signals contained in the list appended to the present regulations.

(b) order of transmission.

Article XXIII.

Between two stations radiograms of the same order shall be transmitted one by one, by the two stations alternately, or in series of several radiograms, as the coastal station may indicate, provided the duration of the transmission of each series does not exceed fifteen minutes.

(c.) method of calling radio stations and transmission of radiograms.

Article XXIV.

1. As a general rule, it shall be the shipboard station that calls the coastal station whether it has radiograms to transmit or not.

2. In waters where the radio traffic is very great (British Channel, etc.), a coastal station should not, as a general rule, be called by a shipboard station unless the former is within normal range of the shipboard station and not until the distance of the vessel from the coastal station is less than 75 per cent of the normal range of the latter.

3. Before proceeding to call, the coastal station or the station on shipboard shall adjust its receiving apparatus to its maximum sensibility and make sure that no other correspondence is being carried on within its radius of action; if it finds otherwise, it shall wait for the first pause, unless it is convinced that its call will not be likely to disturb the correspondence in progress. The same applies in case the station desires to answer a call.

4. For calling, every station shall use the normal wave of the station it wishes to call.

5. If in spite of these precautions the transmission of a radiogram is impeded at any place, the call shall cease upon the first request from a coastal station open to public correspondence. The latter station shall in such case indicate the approximate length of time it will be necessary to wait.

6. The station on shipboard shall make known to every coastal station to which it has signaled its presence the moment at which it proposes to cease its operations and the probable duration of the interruption.

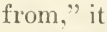
Article XXV.

1. The call shall comprise the signal

the call letters of the station called transmitted three times, the word " from " (de) followed by the call letters of the sending station transmitted three times.

2. The call station shall answer by making the signal

followed by the call letters of the corresponding station transmitted three times, the word " from," its own call letters, and the signal



3. Stations desiring to enter into communication with ships, without, however, knowing the names of the ships within their radius of action, may employ the signal (signal of inquiry. The provisions of paragraphs 1 and 2 are likewise applicable to the transmission of a signal of inquiry and to the answer to such signal.

Article XXVI.

If a station called does not answer the call (Article XXV) transmitted three times at intervals of two minutes, the call shall not be resumed until after an interval of fifteen minutes, the station issuing the call having first made sure of the fact that no radio correspondence is in progress.

Article XXVII.

Every station which has occasion to transmit a radiogram requiring the use of high power shall first send out three times the signal of warning , with the minimum of power necessary to reach the neighboring stations. It shall not begin to transmit with high power until 30 seconds after sending the signal of warning.

Article XXVIII.

1. As soon as the coastal station has answered, the shipboard station shall furnish it with the following data in case it has messages

to transmit; such data shall likewise be furnished upon request from the coastal station;

(a) The approximate distance, in nautical miles, of the vessel from the coastal station;

(b) The position of the vessel indicated in a concise form and adapted to the circumstances of the case;

(c) Her next port of call;

(d) The number of radiograms, if they are of normal length, or the number of words, if the messages are unusually long.

The speed of the ship in nautical miles shall also be given if specially requested by the coastal station.

2. The coastal station shall answer stating, as provided in paragraph 1, either the number of radiograms or the number of words to be transmitted to the ship, and also the order of transmission.

3. If the transmission can not take place immediately, the costal station shall inform the station on shipboard of the approximate length of time that it will be necessary to wait.

4. If a shipboard station called can not receive for the moment, it shall inform the station calling of the approximate length of time that it will be necessary to wait.

5. In the exchange of messages between two stations on shipboard, it shall fall to the station called to fix the order of transmission.

Article XXIX.

When a costal station receives calls from several shipboard stations, it shall decide the order in which such stations shall be admitted to exchange their messages.

In fixing this order the costal station shall be guided exclusively by the necessity of permitting each station concerned to exchange the greatest possible number of radiograms.

Article XXX.

Before beginning the exchange of correspondence the coastal station shall advise the shipboard station whether the transmission is to be effected in the alternate order or by series (Article XXIII); it shall then begin the transmission or follow up the preliminaries with the signal

▬ • ▬

Article XXXI.

The transmission of the radiogram shall be preceded by the signal

▬ • ▬ • ▬

and terminated by the signal

• ▬ • ▬ •

followed by the name of the sending station and by the signal

▬ • ▬

In the case of a series of radiograms, the name of the sending station and the signal ▬ • ▬ shall only be given at the end of the series.

Article XXXII.

When a radiogram to be transmitted contains more than 40 words, the sending station shall interrupt the transmission by the signal ● ● ▬ ▬ ● ● after each series of about 20 words and shall not resume it until after it has obtained from the receiving station a repetition of the last word duly received, followed by the said signal, or, if the reception is good, by the signal ● ▬ ●

In the case of transmission by series, acknowledgment of receipt shall be made after each radiogram.

Coastal stations engaged in the transmission of long radiograms shall suspend the transmission at the end of each period of 15 minutes, and remain silent for a period of three minutes before resuming the transmission.

Coastal and shipboard stations working under the conditions specified in Article XXXV, par. 2, shall suspend work at the end of each period of 15 minutes and listen in with a wave length of 600 meters during a period of three minutes before resuming the transmission.

Article XXXIII.

1. When the signals become doubtful every possible means shall be resorted to to finish the transmission. To this end the radiogram shall be transmitted three times at most at the request of the receiving station. If in spite of such triple repetition the signals are still unreadable the radiogram shall be cancelled.

If no acknowledgment of receipt is received the transmitting station shall again call up the receiving station. If no reply is made after three calls the transmission shall not be followed up any further. In such case the sending station shall have the privilege of obtaining the acknowledgment of receipt through the medium of another radio station, using, when necessary, the lines of the telegraph system.

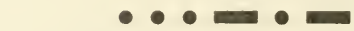
2. If in the opinion of the receiving station the radiogram, although imperfectly received, is nevertheless capable of transmission, said station shall enter the words "reception doubtful" at the end of the preamble and let the radiogram follow. In such case the management of the radio service of the country to which the coastal station is subject shall claim the charges in conformity with Article XLII of the present Regulations. If, however, the shipboard station subsequently transmits the radiogram to another coastal station of the same management, the latter can claim only the rates applicable to a single transmission.

(D) Acknowledgment of receipt and conclusion of work.

Article XXXIV.

1. Receipt shall be acknowledged in the form prescribed by the International Telegraph Regulations; it shall be preceded by the call letters of the transmitting station and followed by those of the receiving station.

2. The conclusion of a correspondence between two stations shall be indicated by each of the two stations by means of the signal



followed by its own call letters.

(E) DIRECTIONS TO BE FOLLOWED IN SENDING RADIOGRAMS.

ARTICLE XXXV.

1. In general, the shipboard stations shall transmit their radiograms to the nearest coastal station.

Nevertheless, if a shipboard station has the choice between several coastal stations at equal or nearly equal distances, it shall give the preference to the one established on the territory of the country of destination or normal transit for its radiograms.

2. A sender on board a vessel shall, however, have the right to designate the coastal station through which he desires to have his radiogram transmitted. The station on shipboard shall then wait until such coastal station shall be the nearest.

In exceptional cases transmission may be made to a more distant coastal station, provided that:

(a) The radiogram is intended for the country in which such coastal station is situated and emanates from a ship subject to that country;

(b) Both stations use for calling and transmission a wave length of 1,800 meters;

(c) Transmission with this wave length does not interfere with a transmission made by means of the same wave length by a nearer coastal station;

(d) The station on shipboard is more than 50 nautical miles distant from any coastal station given in the list. The distance of 50 miles may be reduced to 25 miles provided the maximum power at the terminals of the generator does not exceed 5 kilowatts and that the stations on shipboard are established in conformity with Articles VII and VIII. This reduction in the distance shall not be admissible in the seas, bays or gulfs of which the shores belong to one country only and of which the opening to the high sea is less than 100 miles wide.

7. DELIVERY OF RADIOGRAMS AT THEIR DESTINATION.

ARTICLE XXXVI.

When for any cause whatever a radiogram proceeding from a vessel at sea and intended for the coast can not be delivered to the addressee, a notice of nondelivery shall be issued. Such notice shall be transmitted to the coastal station which received the original radiogram. The latter, after verifying the address, shall forward the notice to the ship, if possible, by the intervention, if need be, of another coastal station of the same country or of a neighboring country.

When a radiogram received by a shipboard station can not be delivered, the station shall notify the office of the origin by official notice. In the case of radiograms emanating from the coast, such notice shall be transmitted, whenever practicable, to the coastal station through which the radiogram has passed in transit; otherwise, to another coastal station of the same country or of a neighboring country.

ARTICLE XXXVII.

If the ship for which a radiogram is intended has not signalled her presence to the coastal station within the period designated by the sender, or, in the absence of such designation, by the morning of the 8th day following, the coastal station shall so notify the office of origin which shall in turn inform the sender.

The latter shall have the right to ask, by a paid official notice, sent by either telegraph or mail and addressed to the coastal station, that his radiogram be held for a further period of 9 days for transmission to the vessel, and so on. In the absence of such request, the radiogram shall be put aside as not transmissible at the end of the 9th day (exclusive of the day of posting).

Nevertheless, if the coastal station is certain that the vessel has left its radius of action before it has been able to transmit the radiogram to her, such station shall immediately so notify the office of origin which shall without delay inform the sender of the cancellation of the message. The sender may, however, by a paid official notice, request the coastal station to transmit the radiogram the next time the vessel shall pass.

8. SPECIAL RADIOGRAMS.

ARTICLE XXXVIII.

The following radiograms only shall be accepted for transmission:

(1) Radiograms with answer prepaid. Such radiograms shall show before the address the indication "Answer prepaid" or "R P" supplemented by a statement of the amount paid in advance for the answer, thus: "Response Payee fr. x", or "R P fr. x";

The reply voucher issued by a station on shipboard shall carry with it the right to send, within the limits of its value, a radiogram to any destination whatever from the station on shipboard which has issued such voucher.

(2) Radiograms calling for repetition of message (for purposes of verification);

(3) Special delivery radiograms. Only, however, in cases where the amount of the charges for special delivery collected of the addressee. Countries which can not accept such radiograms shall make a declaration to this effect to the International Bureau. Special delivery radiograms with charges collected of the sender may be accepted when they are intended for the country within whose territory the corresponding station is located.

(4) Radiograms to be delivered by mail;

(5) Multiple radiograms;

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(6) Radiograms calling for acknowledgment of receipt. But only as regards notification of the date and hour at which the coastal station shall have transmitted to the station on shipboard the radiogram addressed to the latter.

(7) Paid service notices. Except those requesting a repetition or information. Nevertheless all paid service notices shall be accepted in transmission over the telegraph lines.

(8) Urgent radiograms. But only in transmission over the telegraph lines and subject to the application of the International Telegraph Regulations.

Article XXXIX.

Radiograms may be transmitted by a coastal station to a ship, or by a ship to another ship, with a view to being forwarded by mail from a port of call of the ship receiving the radiogram.

Such radiogram shall not be entitled to any radio retransmission.

The address of such radiogram shall embrace the following:

(1) The paid designation "mail" followed by the name of the port at which the radiogram is to be mailed;

(2) The name and complete address of the addressee;

(3) The name of the station on shipboard by which the radiogram is to be mailed;

(4) When necessary, the name of the coastal station.

Example: Mail Buenosaires 14 Calle Prat Valparaiso Avon Lizard.

The rate shall comprise, in addition to the radio and telegraph rates, a sum of 25 centimes (.048 cents) for the postage on the radiogram.

9. FILES.

Article XL.

The originals of radiograms together with the documents relating thereto retained by the managements of the radio service shall be kept, with all the necessary precautions as regards secrecy, for a period of at least fifteen months beginning with the month following that of the posting of the radiogram.

Such originals and documents shall, as far as practicable, be sent at least once a month by the shipboard stations to the management of the radio service to which they are subject.

10. REBATES AND REIMBURSEMENTS.

Article XLI.

1. With regard to rebates and reimbursements, the International Telegraph Regulations shall be applicable, taking into account the restrictions specified in Article XXXVIII and XXXIX of the present Regulations and subject to the following reservations:

The time employed in the transmission of radiograms and the time that radiograms remain in a coastal station in the case of radiograms intended for ships, or in the station on shipboard in the case of radiograms proceeding from ships, shall not be counted as delays as regards rebates or reimbursements.

If the coastal station notifies the office of origin that a radiogram can not be transmitted to the ship addressed, the management of the radio service of the country of origin shall immediately instigate reimbursement to the sender of the coastal and shipboard rates relating to the radiogram. In such case, the refunded charges shall not enter into the accounts provided for by Article XLII, but the radiogram shall be mentioned therein as a memorandum.

Reimbursements shall be borne by the different managements of the radio service and private enterprises which have taken part in the transmission of the radiogram, each management or private enterprise relinquishing its share of the rate. Radiograms to which Articles 7 and 8 of the Convention of St. Petersburg are applicable shall remain subject, however, to the provisions of the International Telegraph Regulations, except when the acceptance of such radiograms is the result of an error made by the telegraph service.

2. When the acknowledgment of receipt of a radiogram has not reached the station which has transmitted the message, the charges shall be refunded only if the fact has been established that the radiogram is entitled to reimbursement.

11. ACCOUNTS AND PAYMENT OF CHARGES.

1. The coastal and shipboard charges shall not enter into the accounts provided for by the International Telegraph Regulations.

The accounts regarding such charges shall be liquidated by the managements of the radio service of the countries concerned. They shall be drawn up by the radio managements to which the coastal stations are subject, and communicated by them to the radio managements concerned. In cases where the working of the coastal stations is independent of the management of the radio service of the country, the party working such stations may be substituted, as regards the accounts, for the radio management of such country.

2. For transmission over the telegraph lines radiograms shall be treated, so far as the payment of rates is concerned, in conformity with the International Telegraph Regulations.

3. For radiograms proceeding from ships, the radio management to which the coastal station is subject shall charge the radio management to which the shipboard station of origin is subject with the coastal and ordinary telegraph rates, the total charges collected for answers prepaid, the coastal and telegraph rates collected for repetition of message (for purposes of verification), charges relating to special delivery (in the case provided for in Article XXXVIII), or delivery by mail, and those collected for additional copies (TM). The radio management to which the coastal station is subject shall credit, when the case arises, through the channel of the telegraph accounts and through the medium of the offices which have participated in the transmission of the radiograms, the radio management to which the office of destination is subject with the total charges relating to answers prepaid. With respect to the telegraph rates and the charges relating to special delivery or delivery by mail, and to additional copies, the procedure shall be as prescribed in the Telegraph Regulations, the coastal station being considered as the telegraph office of origin.

For radiograms intended for a country lying beyond the country to which the coastal station belongs, the telegraph charges to be liquidated in conformity with the above provisions shall be those which result either from tables "A" and "B" annexed to the International Telegraph Regulations, or from special arrangements concluded between the radio managements of adjacent countries and published by such managements, and not the charges which might be collected in accordance with the special provisions of Articles XXIII, par. 1, and XXVII, par. 1, of the Telegraph Regulations.

For radiograms and paid service notices intended for ships, the radio management to which the office of origin is subject shall be charged directly by that to which the coastal station is subject with the coastal and shipboard rates. However, the total charges relating to answers prepaid shall be credited, if there is occasion, from country to country, through the channel of the telegraph accounts, until they reach the radio management to which the coastal station is subject. As regards the telegraph charges and the charges relating to delivery by mail and additional copies, the procedure shall be as prescribed in the Telegraph Regulations. The radio management to which the coastal station is subject shall credit that to which the ship of destination is subject with the shipboard rate, if there is occasion, with the rates accruing to the intermediary shipboard stations, the total charge collected for answers prepaid, the shipboard rates for repetition of message (for purposes of verification), and the charges collected for the preparation of additional copies and for delivery by mail.

Paid service notices and answers prepaid shall be treated in the radio accounts in all respects the same as other radiograms.

For radiograms transmitted by means of one or two intermediary stations on shipboard, each one of such stations shall charge the shipboard station of origin, in the case of a radiogram proceeding from a ship, or that of destination, in the case of a radiogram intended for a ship, with the shipboard rate accruing to it for transit.

4. In general, the liquidation of accounts relating to correspondence between stations on shipboard shall be effected directly between the companies working such stations, the station of origin being charged by the station of destination.

5. The monthly accounts serving as a basis for the special accounts of radiograms shall be made out for each radiogram separately with all the necessary data within a period of six months from the month to which they refer.

6. The Governments reserve the right to enter into special agreements among themselves and with private companies (parties operating radio stations, shipping companies, etc.) with a view of adopting other provisons with regard to accounts.

12. INTERNATIONAL BUREAU.

Article XLIII.

The additional expenses resulting from the work of the International Bureau so far as radio telegraphy is concerned shall not exceed 80,000 francs a year, exclusive of the special expenses arising from the convening of the International Conference.

The managements of the radio service of the contracting states shall, so far as contribution to the expenses is concerned, be divided into six classes, as follows:

1st Class:

Union of South Africa; Germany, United States of America; Alaska; Hawaii and the other American possessions in Polynesia; Philippine Islands; Porto Rico and the American possessions in the Antilles; Panama Canal Zone; Argentine Republic; Australia; Austria; Brazil; Canada; France; Great Britain; Hungary; British India; Italy; Japan; New Zealand; Russia; Turkey.

2nd Class:

Spain.

3rd Class:

Russian Central Asia (littoral of the Caspian Sea); Belgium; Chile, Chosen, Formosa, Japanese Sakhalin and the leased territory of Kwantung; Dutch Indies; Norway; Netherlands; Portugal; Roumania; Western Siberia (littoral of the Arctic Ocean); Eastern Siberia (littoral of the Pacific Ocean); Sweden.

4th Class:

German East Africa; German Southwest Africa; Kamerun; Togo Land; German Protectorates in the Pacific; Denmark; Egypt; Indo-China; Mexico; Siam; Uruguay.

5th Class:

French West Africa; Bosnia-Herzegovina; Bulgaria; Greece; Madagascar; Tunis.

6th Class:

French Equatorial Africa; Portuguese West Africa; Portuguese East Africa and the Portuguese possessions in Asia; Bokhara; Belgian Congo; Colony of Curacao; Spanish Colony of the Gulf of Guinea; Eritrea; Khiva; Morocco; Monaco; Persia; San Marino; Italian Somaliland.

Article XLIV.

The management of the radio service of the different countries shall forward to the International Bureau a table in conformity with the annexed blank, containing the data enumerated in said table for stations such as referred to in Article V of the Regulations. Changes occurring and additional data shall be forwarded by the radio managements to the International Bureau between the 1st and 10th day of each month. With the aid of such data the International Bureau shall draw up the list provided for in Article V. The list shall be distributed to the radio managements concerned. The list and the supplements thereto may also be sold to the public at the cost price.

The International Bureau shall see to it that the same call letters for several radio stations shall not be adopted.

13. METEOROLOGICAL RADIOGRAMS, TIME SIGNALS AND OTHER RADIOGRAMS.

Article XLV.

1. The managements of the radio service shall take the necessary steps to supply their coastal stations with meteorological radiograms containing indications concerning the district of such stations. Such

radiograms, the text of which shall not exceed 20 words, shall be transmitted to ships upon request. The rate for such meteorological radiograms shall be carried to the account of the ships to which they are addressed.

2. Meteorological observations made by certain vessels designated for this purpose by the country to which they are subject, may be transmitted once a day, as paid service notices, to the coastal stations authorized to receive the same by the managements concerned, who shall likewise designate the meteorological offices to which such observations shall be addressed by the coastal stations.

3. Time signals and meteorological radiograms shall be transmitted one after the other in such a way that the total time occupied in their transmission shall not exceed ten minutes. As a general rule, all radio stations whose transmissions might interfere with the reception of such signals and radiograms, shall remain silent during their transmission in order that all stations desiring it may be able to receive the same. Exception shall be made in cases of distress calls and of state telegrams.

4. The managements of the radio service shall give to agencies of maritime information such data regarding losses and casualties at sea or other information of general interest to navigation, as the coastal stations may properly report.

14. MISCELLANEOUS PROVISIONS.

Article XLVI.

The exchange of correspondence between shipboard stations shall be carried on in such a manner as not to interfere with the service of the coastal stations, the latter, as a general rule, being accorded the right of priority for the public service.

Article XLVII.

Coastal stations and stations on shipboard shall not be bound to participate in the retransmission of radiograms except in cases where direct communication cannot be established between the stations of origin and destination.

The number of such retransmissions shall, however, be limited to two.

In the case of radiograms intended for the coast, retransmission shall take place only for the purpose of reaching the nearest coastal station.

Retransmission shall in every case be subject to the condition that the intermediate station which receives the radiogram in transit is in a position to forward it.

Article XLVIII.

If the route of a radiogram is partly over telegraph lines, or through radio stations subject to a non-contracting Government, such radiograms may be transmitted provided the management of the radio service to which such lines or stations are subject have

declared that, if the occasion should arise, they will comply with such provisions of the Convention and of the Regulations as are indispensible to the regular transmission of radiograms and that the payment of charges is insured. Such declaration shall be made to the International Bureau and communicated to the offices of the Telegraph Union.

ARTICLE XLIX.

Modifications of the present regulations which may be rendered necessary in consequence of the decisions of subsequent Telegraph Conferences shall go into effect on the date fixed for the application of the provisions adopted by each one of such conferences.

ARTICLE L.

The provisions of the International Telegraph Regulations shall be applicable analogously to radio correspondence in so far as they are not contrary to the provisions of the present regulations. The following provisions of the Telegraph Regulations, in particular, shall be applicable to radio correspondence: Article XXVII, paragraphs 3 to 6, relating to the collection of charges; Article XXVI and XLI relating to the indication of the route to be followed; Article LXXV, paragraph 1, LXXVIII, paragraphs 2 to 4, and LXXIX, paragraphs 2 and 4, relating to the preparation of accounts. However:—(1) The period of six months provided by paragraph 2 of Article LXXIX of the Telegraph Regulations for the verification of accounts shall be extended to nine months in the case of radiograms; (2) The provisions of Article XVI, paragraph 2, shall not be considered as authorizing gratuitous transmission, through radio stations, of service telegrams relating exclusively to the telegraph service, nor the free transmission over the telegraph lines of service telegrams relating exclusively to the radio service; (3) The provisions of Article LXXIX, paragraphs 3 and 5, shall not be applicable to radio accounts. As regards the application of the provisions of the Telegraph Regulations, coastal stations shall be considered as offices of transit except when the Radio Regulations expressly stipulate that such stations shall be considered as offices of origin or of destination.

In conformity with Article 11 of the Convention of London, the present Regulations shall go into effect on the first day of July, 1913.

In witness whereof the respective plenipotentiaries have signed one copy of these Regulations, which shall be deposited in the archives of the British Government, and a copy of which shall be transmitted to each of the Parties.

For Germany and the German Protectorates:

B. KOEHLER
O. WACHENFELD
DR. KARL STRECKER
SCHRADER
GOETSCH
DR. EMIL KRAUSS
FIELITZ

For the United States and the possessions of the United States:
John R. Edwards
Jno. Q. Walton
Willis L. Moore
Louis W. Austin
George Owen Squier
Edgar Russel
C. McK. Saltzman
David Wooster Todd
John Hays Hammond, Jr.
Webster
W. D. Terrell
John I. Waterbury

For Argentine Republic:
Vicente J. Dominguez

For Austria:
Dr. Gritz Ritter Wagner von Jauregg
Dr. Rudolph Ritter Speil v. Ostheim

For Hungary:
Charles Follért
Dr. Hennyey

For Bosnia-Herzegovina:
H. Goiginger, G. M.
Adolf Daninger
A. Cicoli
Romeo Vio

For Belgium:
J. Banneaux
Deldime

For Belgian Congo:
Robert B. Goldschmidt

For Brazil:
Dr. Francisco Bhering

For Bulgaria:
Iv. Stoyanovitch

For Chile:
C. E. Rickard

For Denmark:
N. Meyer
J. A. Vöhtz
R. N. A. Faber
T. F. Krarup

For Egypt:
J. S. Liddell

For Spain and the Spanish Colonies:
Jacobo Garcia Roure
Juan de Carranza y Garrido
Jacinto Laborador
Antonio Nieto
Tomás Fernandez Quintana
Jaime Janer Robinson

For France and Algeria:
A. Frouin

For French West Africa:
A. Duchêne

For French Equatorial Africa:
A. Duchêne
For Indo-China:
A. Duchêne
For Madagascar:
A. Duchêne
For Tunis:
Et. de Felcourt
For Great Britain and the various British Colonies and Protectorates:
H. Babington Smith
E. W. Farnall
E. Charlton
G. M. W. Macdonogh
For Union of South Africa:
Richard Solomon
For Australian Federation:
Charles Bright.
For Canada:
G. J. Desbarats
For British India:
H. A. Kirk
Dempster.
For New Zealand:
C. Wray Palliser.
For Greece:
C. Dosios
For Italy and the Italian Colonies:
Prof. A. Battelli
For Japan and for Chosen, Formosa, Japanese Sakhalin, and the leased territory of Kwantung:
Tetsujiro Sakano
Kenji Ide
Riuju Nakayama
Seiichi Kurose
For Morroco:
Mohammed el Kabadj
U. Asensio
For Monaco:
Fr. Roussel
For Norway:
Heftye
K. A. Knudssön
For Netherlands:
G. J. C. A. Pop
J. P. Guépin
For Dutch Indies and the Colony of Curaçao:
Perk
F. van der Goot
For Persia:
Mirza Abdul Ghaffar Khan
For Portugal and the Portuguese Colonies:
Antonio Maria da Silva
For Roumania:
C. Boerescu

For Russia and the Russian possessions and Protectorates:

N. DE ETTER
P. OSSADTCHY
A. EULER
SERGUEIEVITCH
C. DMITRIEFF
D. SOKOLTSOW
A. STCHASTNI
BARON A. WYNEKEN

For Republic of San Marino:

ARTURO SERENA

For Siam:

LUANG SANPAKITCH PREECHA
WM. J. ARCHER

For Sweden:

RYDIN
HAMILTON

For Turkey:

M. EMIN
M. FAHRY
OSMAN SADI

For Uruguay:

FED. R. VIDIELLA

(SUPPLEMENT TO ARTICLE XLIV OF THE REGULATIONS.)

Radio Management of ———. *Service Particulars of Radio Stations.*

(a) COASTAL STATIONS.

Name.	Nationality.	Geographical location: E. East longitude. O. West longitude. N. North latitude. S. South latitude. Territorial subdivisions.	Call letters.	Normal range in nautical miles.	Radio system with the characteristics of the transmitting system.	Wave lengths in meters (the normal wave length to be underscored).	Nature of service furnished.	Hours during which station is open (local standard time).	Coastal rate, per word in francs, minimum rate per radiogram, in francs.	Remarks. (When necessary hour and manner of sending time signals and meteorological radiograms.)

(b) SHIPBOARD STATIONS.

Name.	Nationality.	Call letters.	Normal range. In nautical miles.	Radio system with the characteristics of the transmitting system.	Wave lengths in meters.	Nature of service furnished.	Hours during which the station is open.	Shipboard rate per word in francs, minimum rate per radiogram in francs (1) War vessels (2) Merchant vessels.	Remarks. (When necessary name and address of the party working the station.)

(Supplement to Article XXII of the Regulations.)

List of Abbreviations to be used in Radio Communications.

Abbreviation.	Question.	Answer or Notice.
-·-·--·-	(C Q).....	Signal of enquiry made by a station desiring to communicate.
-·-.	(T R).....	Signal announcing the sending of particulars concerning a station on shipboard (Art. XXII).
--·--	(I).....	Signal indicating that a station is about to send at high power.
PRB	Do you wish to communicate by means of the International Signal Code?	I wish to communicate by means of the International Signal Code.
QRA	What ship or coast station is that?	This is .....
QRB	What is your distance?	My distance is .....
QRC	What is your true bearing?	My true bearing is ..... degrees.
QRD	Where are you bound for?	I am bound for .....
QRF	Where are you bound from?	I am bound from .....
QRG	What line do you belong to?	I belong to the ..... Line.
QRH	What is your wave length in meters?	My wave length is ..... meters.
QRJ	How many words have you to send?	I have ..... words to send.
QRK	How do you receive me?	I am receiving well.
QRL	Are you receiving badly? Shall I send 20. . . . — . for adjustment?	I am receiving badly. Please send 20. . . . — . for adjustment.
QRM	Are you being interfered with?	I am being interfered with.
QRN	Are the atmospherics strong?	Atmospherics are very strong.
QRO	Shall I increase power?	Increase power.
QRP	Shall I decrease power?	Decrease power.
QRQ	Shall I send faster?	Send faster.
QRS	Shall I send slower?	Send slower.
QRT	Shall I stop sending?	Stop sending.
QRU	Have you anything for me?	I have nothing for you.
QRV	Are you ready?	I am ready. All right now.
QRW	Are you busy?	I am busy (or, I am busy with .....). Please do not interfere.
QRX	Shall I stand by?	Stand by. I will call you when required.
QRY	When will be my turn?	Your turn will be No. .....
QRZ	Are my signals weak?	Your signals are weak.
QSA	Are my signals strong?	Your signals are strong.
QSB	Is my tone bad?	The tone is bad.
	Is my spark bad?	The spark is bad.
QSC	Is my spacing bad?	Your spacing is bad.
QSD	What is your time?	My time is .....
QSF	Is transmission to be in alternate order or in series?	Transmission will be in alternate order.
QSG		Transmission will be in series of 5 messages.
QSH		Transmission will be in series of 10 messages.
QSJ	What rate shall I collect for .....?	Collect .....
QSK	Is the last radiogram cancelled?	The last radiogram is cancelled.
QSL	Did you get my receipt?	Please acknowledge.
QSM	What is your true course?	My true course is ..... degrees.
QSN	Are you in communication with land?	I am not in communication with land.
QSO	Are you in communication with any ship or station (or: with .....)?	I am in communication with ..... (through .....).
QSP	Shall I inform ..... that you are calling him?	Inform ..... that I am calling him.
QSQ	Is ..... calling me?	You are being called by .....
QSR	Will you forward the radiogram?	I will forward the radiogram.
QST	Have you received the general call?	General call to all stations.
QSU	Please call me when you have finished (or: at .. o'clock)?	Will call when I have finished.
*QSV	Is public correspondence being handled?	Public correspondence is being handled. Please do not interfere.
QSW	Shall I increase my spark frequency?	Increase your spark frequency.
QSY	Shall I send on a wave length of..... meters?	Let us change to the wave length of..... meters.
QSX	Shall I decrease my spark frequency?	Decrease your spark frequency.

Public correspondence is any radio work, official or private, handled on commercial wave lengths.

When an abbreviation is followed by a mark of interrogation, it refers to the question indicated for that abbreviation.

EXAMPLES.

Station.		
A	Q R A?	What is the name of your station?
B	Q R A Campania	This is the Campania.
A	Q R G?	To what line do you belong.
B	Q R G Cunard Q R Z	I belong to the Cunard Line. Your signals are weak.

Station A then increases the power of its transmitter and sends:

A	Q R K?	How are you receiving?
B	Q R K	I am receiving well.
	Q R B 80	The distance between our stations is 80 nautical miles.
	Q R C 62	My true bearing is 62 degrees, etc.

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of the radiotelegraphic convention signed at London on July 5, 1912, with the final protocol and service regulations connected therewith: *Provided*, That the Senate advise and consent to the ratification of said convention with the understanding to be expressed as a part of the instrument of ratification that nothing in the Ninth Article of the Regulations affixed to the convention shall be deemed to exclude the United States from the execution of her inspection laws upon vessels entering in or clearing from her ports.

COLOMBIA.

1903.

Ship Canal Convention.

Signed at Washington January 22, 1903; ratification advised by the Senate March 17, 1903.

[The text of this convention is taken from the copy printed for the use of the Senate of the United States.]

Articles.

I. Sale and transfer of rights, etc.
II. Right to excavate, construct, etc., canal.
III. Canal Zone.
IV. Sovereignty of Colombia over Canal Zone.
V. Ports at entrance of canal.
VI. Acquisition of islands or harbors by foreign Governments.
VII. Subsidiary rights; damages.
VIII. Exemption of customhouse tolls, etc.
IX. Exemption of taxes.
X. Telegraph and telephone lines.
XI. Access of employees.
XII. Importation into zone.
XIII. Protection of canal; judicial tribunals.
XIV. Expropriation of lands and water.
XV. Use of ports by vessels in distress.
XVI. Neutrality.
XVII. Transportation by Colombia of vessels, etc., over canal.
XVIII. Regulations.
XIX. Sovereignty of Colombia.
XX. Cancellation of existing treaties.
XXI. Anterior debts, concessions, etc.
XXII. Renunciation of rights under concessionary contracts.
XXIII. Armed force for protection of canal.
XXIV. Period of construction; extension.
XXV. Consideration.
XXVI. Change in government, laws, treaties.
XXVII. Composition of joint commission.
XXVIII. Ratification.

The United States of America and the Republic of Colombia, being desirous to assure the construction of a ship canal to connect the Atlantic and Pacific Oceans and the Congress of the United States of America having passed an Act approved June 28, 1902, in furtherance of that object, a copy of which is hereunto annexed,[a] the high contracting parties have resolved, for that purpose, to conclude a Convention and have accordingly appointed as their plenipotentiaries,

The President of the United States of America, John Hay, Secretary of State, and

[a] See U. S. Stats., vol. 32, p. 481.

The President of the Republic of Colombia, Thomas Herran, Chargé d'Affaires, thereunto specially empowered by said government,
who, after communicating to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles:

ARTICLE I.

The Government of Colombia authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all the shares or part of the shares of that company; but the public lands situated outside of the zone hereinafter specified, now corresponding to the concessions to both said enterprises shall revert to the Republic of Colombia, except any property now owned by or in the possession of the said companies within Panama or Colon, or the ports and terminals thereof.

But it is understood that Colombia reserves all its rights to the special shares in the capital of the New Panama Canal Company to which reference is made in Article IV of the contract of December 10, 1890, which shares shall be paid their full nominal value at least; but as such right of Colombia exists solely in its character of stockholder in said Company, no obligation under this provision is imposed upon or assumed by the United States.

The Railroad Company (and the United States as owner of the enterprise) shall be free from the obligations imposed by the railroad concession, excepting as to the payment at maturity by the Railroad Company of the outstanding bonds issued by said Railroad Company.

ARTICLE II.

The United States shall have the exclusive right for the term of one hundred years, renewable at the sole and absolute option of the United States, for periods of similar duration so long as the United States may desire, to excavate, construct, maintain, operate, control, and protect the Maritime Canal with or without locks from the Atlantic to the Pacific Ocean, to and across the territory of Colombia, such canal to be of sufficient depth and capacity for vessels of the largest tonnage and greatest draft now engaged in commerce, and such as may be reasonably anticipated, and also the same rights for the construction, maintenance, operation, control, and protection of the Panama Railroad and of railway, telegraph and telephone lines, canals, dikes, dams, and reservoirs, and such other auxiliary works as may be necessary and convenient for the construction, maintenance, protection, and operation of the canal and railroads.

ARTICLE III.

To enable the United States to exercise the rights and privileges granted by this Treaty the Republic of Colombia grants to that Government the use and control for the term of one hundred years, re-

newable at the sole and absolute option of the United States, for periods of similar duration so long as the United States may desire, of a zone of territory along the route of the canal to be constructed five kilometers in width on either side thereof measured from its center line including therein the necessary auxiliary canals not exceeding in any case fifteen miles from the main canal and other works, together with ten fathoms of water in the Bay of Limon in extension of the canal, and at least three marine miles from mean low water mark from each terminus of the canal into the Caribbean Sea and the Pacific Ocean respectively. So far as necessary for the construction, maintenance and operation of the canal, the United States shall have the use and occupation of the group of small islands in the Bay of Panama named Perico, Naos, Culebra and Flamenco, but the same shall not be construed as being within the zone herein defined nor governed by the special provisions applicable to the same.

This grant shall in no manner invalidate the titles or rights of private land owners in the said zone of territory, nor shall it interfere with the rights of way over the public roads of the Department; provided, however, that nothing herein contained shall operate to diminish, impair or restrict the rights elsewhere herein granted to the United States.

This grant shall not include the cities of Panama and Colon, except so far as lands and other property therein are now owned by or in possession of the said Canal Company or the said Railroad Company; but all the stipulations contained in Article 35 of the Treaty of 1846–48 between the contracting parties shall continue and apply in full force to the cities of Panama and Colon and to the accessory community lands and other property within the said zone, and the territory thereon shall be neutral territory, and the United States shall continue to guarantee the neutrality thereof and the sovereignty of Colombia thereover, in conformity with the above-mentioned Article 35 of said Treaty.

In furtherance of this last provision there shall be created a Joint Commission by the Governments of Colombia and the United States that shall establish and enforce sanitary and police regulations.

Article IV.

The rights and privileges granted to the United States by the terms of this convention shall not affect the sovereignty of the Republic of Colombia over the territory within whose boundaries such rights and privileges are to be exercised.

The United States freely acknowledges and recognizes this sovereignty and disavows any intention to impair it in any way whatever or to increase its territory at the expense of Colombia or of any of the sister republics in Central or South America, but on the contrary, it desires to strengthen the power of the republics on this continent, and to promote, develop and maintain their prosperity and independence.

Article V.

The Republic of Colombia authorizes the United States to construct and maintain at each entrance and terminus of the proposed canal a port for vessels using the same, with suitable light houses and other

aids to navigation, and the United States is authorized to use and occupy within the limits of the zone fixed by this convention, such parts of the coast line and of the lands and islands adjacent thereto as are necessary for this purpose, including the construction and maintenance of breakwaters, dikes, jetties, embankments, coaling stations, docks and other appropriate works, and the United States undertakes the construction and maintenance of such works and will bear all the expense thereof. The ports when established are declared free, and their demarcations shall be clearly and definitely defined.

To give effect to this Article, the United States will give special attention and care to the maintenance of works for drainage, sanitary and healthful purposes along the line of the canal, and its dependencies, in order to prevent the invasion of epidemics or of securing their prompt suppression should they appear. With this end in view the United States will organize hospitals along the line of the canal, and will suitably supply or cause to be supplied the towns of Panama and Colon with the necessary aqueducts and drainage works, in order to prevent their becoming centers of infection on account of their proximity to the canal.

The Government of Colombia will secure for the United States or its nominees the lands and rights that may be required in the towns of Panama and Colon to effect the improvements above referred to, and the Government of the United States or its nominees shall be authorized to impose and collect equitable water rates, during fifty years for the service rendered; but on the expiration of said term the use of the water shall be free for the inhabitants of Panama and Colon, except to the extent that may be necessary for the operation and maintenance of said water system, including reservoirs, aqueducts, hydrants, supply service, drainage and other works.

Article VI.

The Republic of Colombia agrees that it will not cede or lease to any foreign Government any of its islands or harbors within or adjacent to the Bay of Panama, nor on the Atlantic Coast of Colombia, between the Atrato River and the western boundary of the Department of Panama, for the purpose of establishing fortifications, naval or coaling stations, military posts, docks or other works that might interfere with the construction, maintenance, operation, protection, safety, and free use of the canal and auxiliary works. In order to enable Colombia to comply with this stipulation, the Government of the United States agrees to give Colombia the material support that may be required in order to prevent the occupation of said islands and ports, guaranteeing there the sovereignty, independence and integrity of Colombia.

Article VII.

The Republic of Colombia includes in the foregoing grant the right without obstacle, cost, or impediment, to such control, consumption and general utilization in any manner found necessary by the United States to the exercise by it of the grants to, and rights conferred upon it by this Treaty, the waters of the Chagres River and other streams, lakes and lagoons, of all non-navigable waters,

natural and artificial, and also to navigate all rivers, streams, lakes and other navigable water-ways, within the jurisdiction and under the dominion of the Republic of Colombia, in the Department of Panama, within or without said zone, as may be necessary or desirable for the construction, maintenance and operation of the canal and its auxiliary canals and other works, and without tolls or charges of any kind; and to raise and lower the levels of the waters, and to deflect them, and to impound any such waters, and to overflow any lands necessary for the due exercise of such grants and rights to the United States; and to rectify, construct and improve the navigation of any such rivers, streams, lakes and lagoons at the sole cost of the United States; but any such water-ways so made by the United States may be used by citizens of Colombia free of tolls or other charges. And the United States shall have the right to use without cost, any water, stone, clay, earth or other minerals belonging to Colombia on the public domain that may be needed by it.

All damages caused to private land owners by inundation or by the deviation of water courses, or in other ways, arising out of the construction or operation of the canal, shall in each case be appraised and settled by a joint commission appointed by the Governments of the United States and Colombia, but the cost of the indemnities so agreed upon shall be borne solely by the United States.

Article VIII.

The Government of Colombia declares free for all time the ports at either entrance of the Canal, including Panama and Colon and the waters thereof in such manner that there shall not be collected by the Government of Colombia custom house tolls, tonnage, anchorage, light-house, wharf, pilot, or quarantine dues, nor any other charges or taxes of any kind shall be levied or imposed by the Government of Colombia upon any vessel using or passing through the Canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance and operation of the main work or its auxiliaries, or upon the cargo, officers, crew, or passengers of any such vessels; it being the intent of this convention that all vessels and their cargoes, crews, and passengers, shall be permitted to use and pass through the Canal and the ports leading thereto, subject to no other demands or impositions than such tolls and charges as may be imposed by the United States for the use of the Canal and other works. It being understood that such tolls and charges shall be governed by the provisions of Article XVI.

The ports leading to the Canal, including Panama and Colon, also shall be free to the commerce of the world, and no duties or taxes shall be imposed, except upon merchandise destined to be introduced for the consumption of the rest of the Republic of Colombia, or the Department of Panama, and upon vessels touching at the ports of Colon and Panama and which do not cross the Canal.

Though the said ports shall be free and open to all, the Government of Colombia may establish in them such custom houses and guards as Colombia may deem necessary to collect duties on importations destined to other portions of Colombia and to prevent contra-

band trade. The United States shall have the right to make use of the ports at the two extremities of the Canal including Panama and Colon as places of anchorage, in order to make repairs for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the Canal and other works.

Any concessions or privileges granted by Colombia for the operation of light houses at Colon and Panama shall be subject to expropriation, indemnification and payment in the same manner as is provided by Article XIV in respect to the property therein mentioned; but Colombia shall make no additional grant of any such privilege nor change the status of any existing concession.

Article IX.

There shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the canal, the vessels that may use it, tugs and other vessels employed in the service of the canal, the railways and auxiliary works, store houses, work shops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property, and effects appertaining to the canal or railroad or that may be necessary for the service of the canal or railroad and their dependencies, whether situated within the cities of Panama and Colon, or any other place authorized by the provisions of this convention.

Nor shall there be imposed contributions or charges of a personal character of whatever species upon officers, employees, laborers, and other individuals in the service of the canal and its dependencies.

Article X.

It is agreed that telegraph and telephone lines, when established for canal purposes, may also, under suitable regulations, be used for public and private business in connection with the systems of Colombia and the other American Republics and with the lines of cable companies authorized to enter the ports and territories of these Republics; but the official dispatches of the Government of Colombia and the authorities of the Department of Panama shall not pay for such service higher tolls than those required from the officials in the service of the United States.

Article XI.

The Government of Colombia shall permit the immigration and free access to the lands and workshops of the canal and its dependencies of all employees and workmen of whatever nationality under contract to work upon or seeking employment or in any wise connected with the said canal and its dependencies, with their respective families, and all such persons shall be free and exempt from the military service of the Republic of Colombia.

Article XII.

The United States may import at any time into the said zone, free of customs duties, imposts, taxes, or other charges, and with-

out any restriction, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance and operation of the canal and auxiliary works, also all provisions, medicines, clothing, supplies and other things necessary and convenient for the officers, employees, workmen and laborers in the service and employ of the United States and for their families. If any such articles are disposed of for use without the zone excepting Panama and Colon and within the territory of the Republic, they shall be subject to the same import or other duties as like articles under the laws of Colombia or the ordinances of the Department of Panama.

Article XIII.

The United States shall have authority to protect and make secure the canal, as well as railways and other auxiliary works and dependencies, and to preserve order and discipline among the laborers and other persons who may congregate in that region and to make and enforce such police and sanitary regulations as it may deem necessary to preserve order and public health thereon, and to protect navigation and commerce through and over said canal, railways and other works and dependencies from interruption or damage.

I. The Republic of Colombia may establish judicial tribunals within said zone, for the determination, according to its laws and judicial procedure, of certain controversies hereinafter mentioned.

Such judicial tribunal or tribunals so established by the Republic of Colombia shall have exclusive jurisdiction in said zone of all controversies between citizens of the Republic of Colombia, or between citizens of the Republic of Colombia and citizens of any foreign nation other than the United States.

II. Subject to the general sovereignty of Colombia over said zone, the United States may establish judicial tribunals thereon, which shall have jurisdiction of certain controversies hereinafter mentioned to be determined according to the laws and judicial procedure of the United States.

Such judicial tribunal or tribunals so established by the United States shall have exclusive jurisdiction in said zone of all controversies between citizens of the United States, and between citizens of the United States and citizens of any foreign nation other than the Republic of Colombia; and of all controversies in any wise growing out of or relating to the construction, maintenance or operation of the canal, railway and other properties and works.

III. The United States and Colombia engage jointly to establish and maintain upon said zone, judicial tribunals having civil, criminal and admiralty jurisdiction and to be composed of jurists appointed by the Governments of the United States and Colombia in a manner hereafter to be agreed upon between said Governments, and which tribunals shall have jurisdiction of certain controversies hereinafter mentioned, and of all crimes, felonies and misdemeanors committed within said zone, and of all cases arising in admiralty, according to such laws and procedure as shall be hereafter agreed upon and declared by the two governments.

Such joint judicial tribunal shall have exclusive jurisdiction in said zone of all controversies between citizens of the United States

and citizens of Colombia, and between citizens of nations other than Colombia or the United States; and also of all crimes, felonies and misdemeanors committed within said zone, and of all questions of admiralty arising therein.

IV. The two Governments hereafter, and from time to time as occasion arises, shall agree upon and establish the laws and procedures which shall govern such joint judicial tribunal and which shall be applicable to the persons and cases over which such tribunal shall have jurisdiction, and also shall likewise create the requisite officers and employees of such court and establish their powers and duties; and further shall make adequate provision by like agreement for the pursuit, capture, imprisonment, detention and delivery within said zone of persons charged with the commitment of crimes, felonies or misdemeanors without said zone; and for the pursuit, capture, imprisonment, detention and delivery without said zone of persons charged with the commitment of crimes, felonies and misdemeanors within said zone.

ARTICLE XIV.

The works of the canal, the railways and their auxiliaries are declared of public utility, and in consequence all areas of land and water necessary for the construction, maintenance, and operation of the canal and the other specified works may be expropriated in conformity with the laws of Colombia, except that the indemnity shall be conclusively determined without appeal, by a joint commission appointed by the Governments of Colombia and the United States.

The indemnities awarded by the Commission for such expropriation shall be borne by the United States, but the appraisal of said lands and the assessment of damages shall be based upon their value before the commencement of the work upon the canal.

ARTICLE XV.

The Republic of Colombia grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the canal enterprise, and for all vessels in distress having the right to pass through the canal and wishing to anchor in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of Colombia.

ARTICLE XVI.

The canal, when constructed, and the entrance thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by Section I of Article three of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

ARTICLE XVII.

The Government of Colombia shall have the right to transport over the canal its vessels, troops, and munitions of war at all times without paying charges of any kind. This exemption is to be extended

to the auxiliary railway for the transportation of persons in the service of the Republic of Colombia or of the Department of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war and supplies.

ARTICLE XVIII.

The United States shall have full power and authority to establish and enforce regulations for the use of the canal, railways, and the entering ports and auxiliary works, and to fix rates of tolls and charges thereof, subject to the limitations stated in Article XVI.

ARTICLE XIX.

The rights and privileges granted to the United States by this convention shall not affect the sovereignty of the Republic of Colombia over the real estate that may be acquired by the United States by reason of the transfer of the rights of the New Panama Canal Company and the Panama Railroad Company lying outside of the said canal zone.

ARTICLE XX.

If by virtue of any existing treaty between the Republic of Colombia and any third power, there may be any privilege or concession relative to an interoceanic means of communication which especially favors such third power, and which in any of its terms may be incompatible with the terms of the present convention, the Republic of Colombia agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting its modification or annulment, the Republic of Colombia agrees to procure its modification or annulment in such form that there shall not exist any conflict with the stipulations of the present convention.

ARTICLE XXI.

The rights and privileges granted by the Republic of Colombia to the United States in the preceding Articles are understood to be free of all anterior concessions or privileges to other Governments, corporations, syndicates or individuals, and consequently, if there should arise any claims on account of the present concessions and privileges or otherwise, the claimants shall resort to the Government of Colombia and not to the United States for any indemnity or compromise which may be required.

ARTICLE XXII.

The Republic of Colombia renounces and grants to the United States the participation to which it might be entitled in the future earnings of the canal under Article XV of the concessionary contract with Lucien N. B. Wyse now owned by the New Panama Canal Company and any and all other rights or claims of a pecuniary nature

arising under or relating to said concession, or arising under or relating to the concessions to the Panama Railroad Company or any extension or modification thereof; and it likewise renounces, confirms and grants to the United States, now and hereafter, all the rights and property reserved in the said concessions which otherwise would belong to Colombia at or before the expiration of the terms of ninety-nine years of the concessions granted to or held by the above mentioned party and companies, and all right, title and interest which it now has or may hereafter have, in and to the lands, canal, works, property and rights held by the said companies under said concessions or otherwise, and acquired or to be acquired by the United States from or through the New Panama Canal Company, including any property and rights which might or may in the future either by lapse of time, forfeiture or otherwise, revert to the Republic of Colombia under any contracts of concessions, with said Wyse, the Universal Panama Canal Company, the Panama Railroad Company and the New Panama Canal Company.

The aforesaid rights and property shall be and are free and released from any present or reversionary interest in or claims of Colombia and the title of the United States thereto upon consummation of the contemplated purchase by the United States from the New Panama Canal Company, shall be absolute, so far as concerns the Republic of Colombia, excepting always the rights of Colombia specifically secured under this treaty.

ARTICLE XXIII.

If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of the ships that make use of the same, or the railways and other works, the Republic of Colombia agrees to provide the forces necessary for such purpose, according to the circumstances of the case, but if the Government of Colombia cannot effectively comply with this obligation, then, with the consent of or at the request of Colombia, or of her Minister at Washington, or of the local authorities, civil or military, the United States shall employ such force as may be necessary for that sole purpose; and as soon as the necessity shall have ceased will withdraw the forces so employed. Under exceptional circumstances, however, on account of unforeseen or imminent danger to said canal, railways and other works, or to the lives and property of the persons employed upon the canal, railways, and other works, the Government of the United States is authorized to act in the interest of their protection, without the necessity of obtaining the consent beforehand of the Government of Colombia; and it shall give immediate advice of the measures adopted for the purpose stated; and as soon as sufficient Colombian forces shall arrive to attend to the indicated purpose, those of the United States shall retire.

ARTICLE XXIV.

The Government of the United States agrees to complete the construction of the preliminary works necessary, together with all the auxiliary works, in the shortest time possible; and within two years from the date of the exchange of ratification of this convention the main works of the canal proper shall be commenced, and it shall be

opened to the traffic between the two oceans within twelve years after such period of two years. In case, however, that any difficulties or obstacles should arise in the construction of the canal which are at present impossible to foresee, in consideration of the good faith with which the Government of the United States shall have proceeded, and the large amount of money expended so far on the works and the nature of the difficulties which may have arisen, the Government of Colombia will prolong the terms stipulated in this Article up to twelve years more for the completion of the work of the canal.

But in case the United States should, at any time, determine to make such canal practically a sea level canal, then such period shall be extended for ten years further.

ARTICLE XXV.

As the price or compensation for the right to use the zone granted in this convention by Colombia to the United States for the construction of a canal, together with the proprietary right over the Panama Railroad, and for the annuity of two hundred and fifty thousand dollars gold, which Colombia ceases to receive from the said railroad, as well as in compensation for other rights, privileges and exemptions granted to the United States, and in consideration of the increase in the administrative expenses of the Department of Panama consequent upon the construction of the said canal, the Government of the United States binds itself to pay Colombia the sum of ten million dollars in gold coin of the United States on the exchange of the ratification of this convention after its approval according to the laws of the respective countries, and also an annual payment during the life of this convention of two hundred and fifty thousand dollars in like gold coin, beginning nine years after the date aforesaid.

The provisions of this Article shall be in addition to all other benefits assured to Colombia under this convention.

But no delay nor difference of opinion under this Article shall affect nor interrupt the full operation and effect of this convention in all other respects:

ARTICLE XXVI.

No change either in the Government or in the laws and treaties of Colombia, shall, without the consent of the United States, affect any right of the United States under the present convention, or under any treaty stipulation between the two countries (that now exist or may hereafter exist) touching the subject-matter of this convention.

If Colombia shall hereafter enter as a constituent into any other Government or into any union or confederation of States so as to merge her sovereignty or independence in such Government, union, or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired.

ARTICLE XXVII.

The joint commission referred to in Articles III, VII and XIV shall be established as follows:

The President of the United States shall nominate two persons and the President of Colombia shall nominate two persons and they

shall proceed to a decision; but in case of disagreement of the Commission (by reason of their being equally divided in conclusion) an umpire shall be appointed by the two Governments, who shall render the decision. In the event of death, absence or incapacity of any Commissioner or umpire, or of his omitting, declining or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated. All decisions by a majority of the Commission or by the umpire shall be final.

ARTICLE XXVIII.

This convention when signed by the contracting parties, shall be ratified according to the laws of the respective countries and shall be exchanged at Washington within a term of eight months from this date, or earlier if possible.

In faith whereof, the respective plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their respective seals.

Done at the City of Washington, the 22d day of January in the year of our Lord nineteen hundred and three.

(Signed) JOHN HAY. [SEAL.]
(Signed) TOMÁS HERRÁN. [SEAL.]

COLOMBIA.

1909.

Ship Canal Treaty.[a]

Signed at Washington January 9, 1909; ratification advised by Senate February 24, 1909.

[The text of this convention is taken from the copy printed for the use of the Senate of the United States.]

Articles.

I. Peace and friendship.
II. Freedom of passage of troops, ships of war, etc.
III. Exemption of duty on provisions, cattle, etc.
IV. Transportation of mails and products of Colombia.
V. Recognition of Republic of Panama; payments assigned.
VI. Use of ports; renunciation of contracts and concessions.
VII. Revision of treaty with New Grenada.
VIII. Ratification.

The United States of America and the Republic of Colombia, being equally animated by the desire to remove all obstacles to a good understanding between them and to facilitate the settlement of the questions heretofore pending between Colombia and Panama by adjusting at the same time the relations of Colombia to the canal which the United States is now constructing across the Isthmus of Panama, have resolved to conclude a Treaty and to that end have appointed as their Plenipotentiaries:

The President of the United States of America, Elihu Root, Secretary of State of the United States;

The President of the Republic of Colombia, Señor Don Enrique Cortes, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Colombia at Washington;

Who, after communicating to each other their respective full powers, which were found to be in due and proper form, have agreed upon the following articles:

Article I.

There shall be mutual and inviolable peace and sincere friendship between the Governments and peoples of the two High Contracting Parties without exception of persons or places under their respective dominion.

Article II.

In consideration of the provisions and stipulations hereinafter contained it is agreed as follows:

The Republic of Colombia shall have liberty at all times to convey through the ship canal now in course of construction by the United

[a] The treaties with Colombia and Panama, and between Panama and Colombia, being of a tripartite nature, each depending on the other, have not become operative by reason of the failure of Colombia to accept them.

States across the Isthmus of Panama the troops, materials for war and ships of war of the Republic of Colombia, without paying any duty to the United States; even in the case of an international war between Colombia and another country.

While the said interoceanic canal is in course of construction, the troops and materials for war of the Republic of Colombia, even in the case of an international war between Colombia and any other country, shall be transported on the railway between Ancon and Cristobal, or on any other railway substituted therefor, upon the same conditions on which similar service is rendered to the United States.

The officers, agents, and employees of the Government of Colombia shall, during the same period, be entitled to free passage upon the said railway across the Isthmus of Panama upon due notification to the railway officials and the production of evidence of their official character.

The foregoing provisions of this article shall not, however, apply in case of war between Colombia and Panama.

Article III.

The products of the soil and industry of the Republic of Colombia, such as provisions, cattle, etc., shall be admitted to entry in the Canal Zone subject only to such duty as would be payable on similar products of the United States of America under similar conditions, so far as the United States of America has any right or authority to fix the conditions of such importations.

Colombian laborers employed in the Canal Zone during the construction of the canal, who may desire that their own families supply them with provisions for their personal use, shall be entitled to have such provisions admitted to the Canal Zone for delivery to them free of any duty, provided that declaration thereof shall first have been made before the commissary officers of the Isthmian Canal Commission, in order to obtain the previous permit for such entry, and subject to such reasonable regulations as shall be prescribed by the Commission for ensuring the *bona fides* of the transaction.

Article IV.

Colombian mails shall have free passage through the Canal Zone and through the post-offices of Ancon and Cristobal in the Canal Zone, paying only such duties or charges as are paid by the mails of the United States.

During the construction of the canal, Colombian products passing over the Isthmian Railway from and to Colombian ports shall be transported at the lowest rates which are charged for similar products of the United States passing over said railway to and from the ports of the United States; and sea salt, exclusively produced in Colombia, passing from the Atlantic coast of Colombia to any Colombian port on the Pacific coast, shall be transported over said railway free of any charge except the actual cost of handling and transportation, not exceeding one-half of the ordinary freight charges.

ARTICLE V.

The United States recognizes and accepts notice of the assignment by the Republic of Panama to the Republic of Colombia of the right to receive from the United States payment of $250,000 in American gold in each year from the year 1908 to the year 1917, both inclusive, such assignment having been made in manner and form as contained in the treaty between the Republic of Colombia and the Republic of Panama bearing even date herewith, whereby the independence of the Republic of Panama is recognized by the Republic of Colombia and the Republic of Panama is released from obligation for the payment of any part of the external and internal debt of the Republic of Colombia.

ARTICLE VI.

The Republic of Colombia grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the canal enterprise, and for all vessels in distress passing or bound to pass through the canal and seeking shelter or anchorage in said ports, subject in time of war to the rules of neutrality properly applicable thereto. Such vessels shall be exempt from anchorage or tonnage dues on the part of the Republic of Colombia.

The Republic of Colombia renounces all rights and interests in connection with any contract or concession made between it and any corporation or person relating to the construction or operation of a canal or railway across the Isthmus of Panama.

ARTICLE VII.

As soon as practicable after the exchange of ratifications of this treaty and the contemporaneous treaties of even date herewith between the United States of America and the Republic of Panama, and between the Republic of Colombia and the Republic of Panama, the United States of America and the Republic of Colombia will enter into negotiations for the revision of the Treaty of Peace, Amity, Navigation, and Commerce between the United States of America and the Republic of New Granada, concluded on the 12th day of December, 1846, with a view to making the provisions therein contained conform to existing conditions, and to including therein provision for a general treaty of arbitration.

ARTICLE VIII.

This treaty, duly signed by the High Contracting Parties, shall be ratified by each according to its respective laws, and the ratifications thereof shall be exchanged at Washington as soon as possible.

But it is understood that such ratifications are not to be exchanged nor the provisions of this treaty made obligatory upon either party, until and unless the aforesaid treaties between the Republic of Colombia and the Republic of Panama, and between the United States of America and the Republic of Panama, bearing even date herewith,

are both duly ratified, and the ratifications thereof are exchanged simultaneously with the exchange of ratifications of this treaty.

In witness whereof, We, the respective Plenipotentiaries, have signed the present treaty in duplicate, in the English and Spanish languages, and have hereunto affixed our respective seals.

Done at the City of Washington, the 9th day of January, in the year of our Lord nineteen hundred and nine.

(Signed) ELIHU ROOT [SEAL]
(Signed) ENRIQUE CORTES [SEAL]

PANAMA.

1909.

Ship Canal Treaty.[a]

Signed at Washington January 9, 1909; ratification advised by the Senate March 3, 1909.

[The text of this convention is taken from the copy printed for the use of the Senate of the United States.]

Articles.

I. Payment.
II. Delimitation of Panama and Colon.
III. Arbitration of differences.
IV. Reciprocal liberty of commerce and navigation.
V. When effective.
VI. Ratification.

The United States of America and the Republic of Panama, mutually desiring to facilitate the construction, maintenance and operation of the interoceanic canal across the Isthmus of Panama and to promote a good understanding between the nations most closely and directly concerned in this highway of the world's commerce, and thereby to further its construction and protection, deem it well to amend and in certain respects supplement the treaty concluded between the United States of America and the Republic of Panama on the 18th of November, 1903, and to that end have appointed their respective Plenipotentiaries, to wit:

The President of the United States of America, Elihu Root, Secretary of State of the United States;

The President of the Republic of Panama, Carlos Constantino Arosemena, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama,

Who, after exchange of their full powers, found to be in good and due form, have agreed upon the following articles:

Article I.

It is mutually agreed between the High Contracting Parties that Article XIV of the treaty concluded between them on the 18th day of November, 1903, be and the same is hereby amended by substituting therein the words "four years" for the words "nine years," and accordingly the United States of America agrees to make the annual payments therein provided for beginning four years from the exchange of said treaty instead of nine years from that date.

The United States of America consents that the Republic of Panama may assign and transfer, in advance, to the Republic of Colombia, and to its assigns or nominees, the first ten annual in-

[a] See note, p. 235.

stallments of Two Hundred and Fifty Thousand Dollars each, so falling due under said treaty as thus amended, on the 26th days of February in the years 1908 to 1917, both inclusive, and its right and title thereto, and, upon the direction and acquittance therefor of the Republic of Panama, will pay said ten installments as they respectively fall due directly to the Republic of Columbia, its assigns or nominees, for account of the Republic of Panama. Such installments as may have matured when the ratifications of this treaty shall be exchanged pursuant to its terms shall be payable on the ninetieth day after the date of such exchange.

ARTICLE II.

Final delimitation of the cities of Panama and Colon and of the harbors adjacent thereto, under and to effectuate the provisions of Article II of said treaty of November 18th, 1903, shall be made by agreement between the Executive Departments of the two Governments, immediately upon the exchange of ratifications of this treaty.

It is further agreed that the Republic of Panama shall have the right, upon one year's previous notice, at any time within the period of fifty years mentioned in Article VII of said treaty of November 18th, 1903, to purchase and take over from the United States of America so much of the water mains and distributing system of the water works mentioned in said article, for the supply of the City of Panama, and of the appliances and appurtenances thereof, as may lie outside the Canal Zone, and terminate the provisions of said treaty for the ultimate acquisition by the Republic of Panama of said water works, upon payment of such sum in cash as may be agreed upon as just by the Presidents of the two High Contracting Parties, who are hereby fully empowered so to agree; if there shall arise any dispute or difference between the High Contracting Parties with respect to such delimitation, or if their Presidents shall not be able to agree as to the sum so to be paid, then upon the request of either party, any such difference shall be submitted to the Tribunal of Arbitration, hereinafter provided for.

ARTICLE III.

It is further agreed that all differences which may arise relating to the interpretation or application of the treaty between the United States of America and the Republic of Panama concluded on the 18th day of November, 1903, which it may not have been possible to settle by diplomacy, shall be referred, on the request of either party, to a Tribunal of Arbitration to consist of three members, of whom the United States shall nominate one member, the Republic of Panama shall nominate one member, and the two members thus nominated shall jointly nominate a third member, or, in the event of their failure to agree within three months after appointment, upon the nomination of the third member, such member shall be appointed by the President of Peru. Said Tribunal shall decide by a majority vote all questions respecting its procedure and action, as well as all questions concerning the matters submitted to it. The Tribunal shall deliver duplicate copies of its decisions upon any of the matters submitted to it, as hereinafter specified, to the United States and to the Republic

of Panama, and any such decision signed by a majority of the members of the Tribunal shall be conclusively deemed the decision of the Tribunal. Any vacancy in the membership of the Tribunal caused by the death, incapacity, or withdrawal of any member shall be filled in the manner provided for the original appointment of the member whose office shall thus become vacant. The determinations of said Tribunal shall be final, conclusive and binding upon the High Contracting Parties hereto, who bind themselves to abide by and conform to the same.

The temporary working arrangement or modus vivendi contained in the Executive Orders of December 3rd, 6th, 16th, and 28th, 1904, and January 5, 1905, made at Panama by the Secretary of War of the United States, and by the President of Panama, on December 6, 1904, which was entered into for the purpose of the practical operation of the aforesaid Treaty of November 18, 1903, shall be submitted to revision by the Executive Departments of the two Governments with the view to making the same and the practice thereunder conform (if in any respect they shall be found not to conform) to the true intent and meaning of the said treaty and to the preservation and protection of the rights of the two Governments and of the citizens of both parties thereunder; and any question as to such conformity arising upon such revision which shall remain in dispute shall be submitted to said Tribunal of Arbitration.

It is now agreed, however, that the rate of duty to be levied by the Republic of Panama and fixed at ten per cent *ad valorem* by the first proviso to said Executive Order of December 3rd, 1904, may be increased to any rate not exceeding twenty per cent *ad valorem*, at the pleasure of said Republic.

Article IV.

There shall be a full, entire and reciprocal liberty of commerce and navigation between the citizens of the two High Contracting Parties, who shall have reciprocally the right, on conforming to the laws of the country, to enter, travel, and reside in all parts of the respective territories, saving always the right of expulsion of undesirable persons which right each Government reserves to itself, and they shall enjoy in this respect, for the protection of their persons and their property, the same treatment and the same rights as the citizens or subjects of the most favored nation; it being understood and agreed that citizens of either of the two Republics thus residing in the territory of the other shall be exempt from military service imposed upon the citizens of such Republic.

And the United States of America further agrees that the Republic of Panama and the citizens thereof shall have and shall be accorded on equal terms all such privileges, rights, and advantages in respect to the construction, operation, and use of the Canal, railroad, telegraph, and other facilities of the United States within the Canal Zone, and in respect of all other matters relating thereto, operating within or affecting the Canal Zone or property and persons therein, as may at any time be granted by the United States of America in accord with said treaty of November 18th, 1903, directly or indirectly, to any other nation or the citizens or subjects thereof, it being the intention of the Parties that the Republic of Panama and the

citizens thereof shall be with respect thereto placed at least on an equal footing with the most favored nation and the citizens or subjects thereof.

ARTICLE V.

It is expressly understood and agreed that this treaty shall not become operative nor its provisions obligatory upon either of the High Contracting Parties, until and unless the treaties of even date between the Republic of Colombia and the Republic of Panama and between the Republic of Colombia and the United States of America are both duly ratified and the ratifications thereof are exchanged simultaneously with the exchange of ratifications of the present treaty.

ARTICLE VI.

This treaty shall be ratified and the ratifications thereof shall be exchanged at Washington as soon as possible.

In witness whereof, we the respective Plenipotentiaries have signed the present treaty, in duplicate, in the English and Spanish languages and have hereunto affixed our respective seals.

Done at Washington the 9th day of January, in the year of our Lord one thousand nine hundred and nine.

(Signed) ELIHU ROOT [SEAL]
(Signed) C. C. AROSEMENA [SEAL]

IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES,
March 3, 1909.

Resolved (*two-thirds of the Senators present concurring therein*), that the Senate advise and consent to the ratification of a treaty between the United States and the Republic of Panama relating to the Panama Canal, signed January 9, 1909.

Resolved, As a part of this ratification that the United States approves the treaty between the United States and Panama with the understanding that so far as the United States is concerned no question shall be submitted to arbitration herein provided for which in any way affects the vital interests of the United States in the protection, operation, maintenance, sanitation and protection of the Panama Canal.

PANAMA AND COLOMBIA.

1909.

Ship Canal Treaty between Colombia and Panama Relating to the Panama Canal.[a]

Signed at Washington January 9, 1909.

[The text of this convention is taken from the copy printed for the information of the Senate of the United States.]

Articles.

I. Recognition of independence of Panama.
II. Peace and friendship.
III. Assignment by Panama to Colombia of payments by United States.
IV. Release and discharge of pecuniary claims and obligations.
V. Abandonment by Panama of right and title to stock of New Panama Canal Co.
VI. Status of citizens.
VII. Territorial limits not to be extended at expense of the other.
VIII. Negotiation of additional treaties.
IX. Boundary between Colombia and Panama.
X. When effective.
XI. Ratification.

The Republic of Colombia and the Republic of Panama, equally animated by the desire to remove all obstacles to their good understanding, to adjust their pecuniary and other relations to each other and to secure mutually the benefits of amity and accord, have determined to conclude a convention for these purposes and, therefore, have appointed as their respective Plenipotentiaries, that is to say:

The President of the Republic of Colombia, Enrique Cortes, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Colombia, in Washington, and

The President of the Republic of Panama, Carlos Constantino Arosemena, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama, in Washington,

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Article I.

The Republic of Colombia recognizes the Independence of the Republic of Panama and acknowledges it to be a free, sovereign, and independent nation.

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[a] See note, p. 235.

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ARTICLE II.

There shall be a mutual and inviolable peace and friendship between the Government of the Republic of Colombia and its citizens on the one part and the Government of the Republic of Panama and its citizens on the other part, without exception of persons or places under their respective dominion.

ARTICLE III.

The Republic of Panama assigns and transfers to the Republic of Colombia, and its assigns and nominees, in lawful and due form, the first ten annual installments of two hundred and fifty thousand dollars gold coin each becoming due to it, the Republic of Panama, from the United States of America, on the 26th days of February in the years 1908 to 1917, both inclusive, under and pursuant to the provisions of Article XIV of the treaty between the United States of America and the Republic of Panama concluded November 18, 1903, and under and pursuant to the amendment thereof, embodied in a treaty of even date between said nations, whereby said Article XIV is amended by substituting the words "four years" for the words "nine years," so that the first annual payment of which that article treats shall begin four years from the exchange of ratifications of said treaty on February 26th, 1904, instead of nine years from said date, in such manner that the said installments shall be paid by the United States of America directly to the Republic of Colombia or its assigns and nominees for account of the Republic of Panama, in lawful and due form, beginning the 26th day of February, 1908. Such installments as may have matured when the ratifications of this treaty shall be exchanged pursuant to its terms, shall be payable on the ninetieth day after the date of such exchange.

In consideration of the payments and releases which the Republic of Panama makes to the Republic of Colombia, the latter recognizes and agrees that the Republic of Panama has no liability upon and no obligations to the holders of the external and internal debt of the Republic of Colombia, nor to the Republic of Colombia, by reason of any such indebtedness or claims relating thereto. The Republic of Colombia recognizes and agrees that it is itself solely obligated for such external and internal debt; assumes the obligation to pay and discharge the same by itself alone; and agrees to indemnify and hold harmless the Republic of Panama, should occasion arise, from any liability in respect of such external and internal indebtedness, and from any expense which may result from failure or delay in respect of such payment and discharge.

ARTICLE IV.

Each of the contracting Republics releases and discharges the other from all pecuniary claims and obligations of any nature whatever, including the external and internal debt of the Republic of Colombia, which either had against the other on the 3rd day of November, 1903, it being understood that this reciprocal exoneration relates only to the national debts and claims of one against the other,

and that it does not relate to individual rights and claims of the citizens of either Republic. Neither party shall be bound to allow or satisfy any of such individual claims arising from transactions or occurrences prior to November 3, 1903, unless the same would be valid according to the laws of the country against which the claim is made, as such laws existed on November 3rd, 1903.

ARTICLE V.

The Republic of Panama recognizes that it has no title or ownership of any sort to the fifty thousand shares of the capital stock of the New Panama Canal Company, standing in the name of the Republic of Colombia on the books of said company at Paris, and the Republic of Panama confirms the abandonment of all right and title, which, with respect to said shares, it made in the Courts of Justice of France.

ARTICLE VI.

The citizens of each Republic, residing in the territory of the other, shall enjoy the same civil rights which are or shall hereafter be accorded by the laws of the country of residence to the citizens of the most favored nation. It being understood, however, that the citizens of either of the two Republics residing in the other shall be exempt from military service imposed upon the citizens of such Republic.

All persons born within the territory now of the Republic of Panama, prior to the 3rd day of November, 1903, who were, on that day, residents of the territory now of the Republic of Colombia, may elect to be citizens of the Republic of Colombia or of the Republic of Panama; and all persons born within the territory now of the Republic of Colombia who were, on said 3rd day of November, 1903, residents of the territory now of the Republic of Panama, may elect to be citizens of the Republic of Panama or of the Republic of Colombia, by making declaration of their election in the manner hereinafter provided, within one year from the date of the proclamation of the exchange of the ratifications of this treaty, or, in case of any persons who shall not on that day be of full age, within one year from their attainment of their majority according to the laws of the country of their residence.

Such election may be made by filing in the office of the Minister or Secretary of Foreign Affairs of the country of residence a declaration of such election. Such declaration may be made before any officer authorized to administer oaths and may be transmitted by mail to such Minister or Secretary of Foreign Affairs, whose duty it shall be to file and register the same, and no other formality except the transmission thereof shall be required and no fees shall be imposed for making of filing thereof. It shall be the duty of the respective Departments of Foreign Affairs of the High Contracting Parties to communicate promptly to each other the names, occupations, and addresses of the persons so exercising such election.

All persons entitled to make such declarations who shall not have made the same within the period hereinbefore limited shall be deemed to have elected to become citizens of the country within whose present

territory they were born. But no further declaration shall be required from any such person who has already by formal declaration before a public official of either country, and in accordance with its laws, made election of the nationality of that country.

The natives of the countries of either of the two contracting Republics who have heretofore or shall hereafter become citizens by naturalization, or otherwise as herein provided for, in the other Republic, shall not be punished, molested, or discriminated against by reason of their acts of adhesion to the country whose citizenship they have adopted.

ARTICLE VII.

Both Republics agree, each for itself, that neither of them shall admit to form any part of its nationality any part of the territory of the other which separates from it by force.

ARTICLE VIII.

As soon as this treaty and the contemporaneous treaties of even date between the United States of America and the Republic of Colombia and between the United States of America and the Republic of Panama shall be ratified and exchanged, negotiations shall be entered upon between the Republics of Colombia and Panama for the conclusion of additional treaty or treaties, covering questions of commerce, postal, telegraph, copyright, consular relations, extradition of criminals, arbitration and the like.

ARTICLE IX.

It is agreed between the High Contracting Parties and is declared, that the dividing line between the Republic of Colombia and the Republic of Panama shall be as follows, to wit:

From Cape Tiburon on the Atlantic to the head waters of the Rio de la Miel, and following the range by the Cerro de Gandi to the Sierra de Chugargun and that of Mali, going down by the Cerros of Nique to the heights of Aspave, and from there to the Pacific at such point and by such line as shall be determined by the Tribunal of Arbitration hereinafter provided for, and the determination of said line shall conform to the decision of such Tribunal of Arbitration as next provided.

As to the territory submitted to arbitration (the region of Jurado) the boundaries and attribution of which to either the Republic of Colombia or the Republic of Panama will be fixed by the determination of the line aforesaid by said Tribunal of Arbitration, the title thereto and the precise limits thereof, and the right to the sovereignty thereof as between the High Contracting Parties, shall be conclusively determined by arbitration in the following manner:

A Tribunal of Arbitration shall be created to investigate and determine all questions of fact and law concerning the rights of the High Contracting Parties to or in all the territory in the above mentioned region of Jurado. The Tribunal shall consist of three members; the Republic of Colombia shall nominate one member, the

Republic of Panama shall nominate one member, both of whom shall be nominated within three months after the exchange of ratifications of this treaty, and the two members of the Tribunal thus nominated shall jointly nominate a third member, or, in the event of their failure to agree within three months next after the appointment of the last of them, and on request of the President of either of the High Contracting Parties, the third member of the Tribunal shall be appointed by the President of the Republic of Cuba.

The Tribunal shall hold its sessions at such place as the Tribunal shall determine.

The case on behalf of each party, with the papers and documents, shall be communicated to the other party within three months after the appointment of the third member of the Tribunal.

The counter-cases shall be similarly communicated with the papers and documents within three months after communication of the cases respectively.

And within two months after communication of the counter-case the other party may communicate its reply.

The proceedings of the Tribunal shall be governed by the provisions, so far as applicable, of the Convention for the Pacific Settlement of International Disputes signed at The Hague by the representatives of both the parties hereto on the 18th day of October, 1907.

The Tribunal shall take into consideration all relevant laws and treaties and all facts proved of occupancy, possession and political or administrative control in respect of the territory in dispute.

ARTICLE X.

This treaty shall not be binding upon either of the High Contracting Parties, nor have any force until and unless the treaties signed on this same date between the Republic of Colombia and the United States of America and between the Republic of Panama and the United States of America are both duly ratified and ratifications thereof are exchanged simultaneously with the exchange of the ratifications of this treaty.

ARTICLE XI

The present treaty shall be submitted for ratification to the respective Governments, and ratifications hereof exchanged at Washington as soon as possible.

In Witness Whereof, We the respective Plenipotentiaries, have signed the present treaty in duplicate in the Spanish and English languages, and have hereunto affixed our respective seals.

Done at the City of Washington, the 9th day of January, in the year of our Lord one thousand nine hundred and nine.

(Signed) ENRIQUE CORTES [SEAL]
(Signed) C. C. AROSEMENA [SEAL]

1907.

International Prize Court Convention.[a]

Signed at The Hague October 18, 1907; ratification advised by the Senate February 15, 1911.

[The text of this convention is taken from the copy printed for the use of the Senate of the United States.]

ARTICLES.

PART I.—GENERAL PROVISIONS.

I. Determination of validity of capture.
II. Jurisdiction and judgments of prize courts.
III. Appeals from Prize Courts to International Prize Court.
IV. By whom appeals may be brought.
V. Same.
VI. When National Courts can not deal with question.
VII. Determination of question of law.
VIII. Disposition of vessel and cargo when capture is valid or null.
IX. Decisions to be accepted and carried out in good faith.

PART II.—CONSTITUTION OF INTERNATIONAL PRIZE COURT.

X. Personnel and qualifications of members of International prize court.
XI. Term of service of judges; filling of vacancies.
XII. Rank of Judges.
XIII. Privileges and immunities of judges; oath.
XIV. Number of judges constituting court; quorum.
XV. Judges of particular powers always summoned to sit (see Article LVI).
XVI. Selection of judge by belligerent power.
XVII. Disqualification of judge.
XVIII. Appointment of assessor by belligerent or neutral power.
XIX. Election of President and vice President of Court.
XX. Traveling allowances of judges.
XXI. Seat of International Prize Court.
XXII. Administrative functions of administrative council.
XXIII. Duty of International Bureau.
XXIV. Language used in proceedings.
XXV. Appointment of special agents as intermediaries.
XXVI. How private person may be represented before court.
XXVII. How notices shall be served.

[a] This convention is dependent on London Declaration, p. 266.

PART III.—PROCEDURE IN THE INTERNATIONAL PRIZE COURT.

XXVIII. Method and time of entering appeal in National Court.
XXIX. Transmission of appeal to International Bureau.
XXX. Same.
XXXI. Same.
XXXII. Transmission of copy of appeal to respondent.
XXXIII. Period in which court will deal with case when other parties concerned are entitled to appeal.
XXXIV. Written pleadings and discussion—two distinct parts of procedure.
XXXV. Statement by parties of views of case both as to law and facts after close of pleadings.
XXXVI. Taking of supplementary evidence.
XXXVII. Distribution of minutes to parties summoned.
XXXVIII. Control of discussions.
XXXIX. Discussions public; minutes.
XL. Result if party fails to appear.
XLI. Notification of decrees or decisions made in absence of parties.
XLII. Matters to be considered in arriving at decision.
XLIII. Manner of deciding questions by vote.
XLIV. Reasons for judgment.
XLV. Method of pronouncing sentence.
XLVI. Payment of costs.
XLVII. General expenses of Prize Court.
XLVIII. Performance of duties of Court when not sitting.
XLIX. Manner of formulating rules.
L. Manner of modification of convention respecting procedure.

PART IV.—FINAL PROVISIONS.

LI. Powers to which convention applies as of right.
LII. Ratification.
LIII. Adherence.
LIV. Effect.
LV. Duration; denunciation.
LVI. Selection of judges by administrative council.
LVII. Modification of Article XV. with respect to composition of court.

His Majesty the German Emperor, King of Prussia; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Royal Highness the Prince of Bulgaria; the President of the Republic of Chile; His Majesty the Emperor of China; the President of the Republic of Colombia; the Provisional Governor of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haïti; His Majesty the King of Italy; His Majesty the Emperor of Japan; His Royal Highness the Grand Duke of Luxemburg, Duke of Nassau; the President of the United States of Mexico; His Royal Highness the Prince of Montenegro; the President of the Republic of Nicaragua; His Majesty the King of Norway; the President of the Republic of Panamá; the President of the Republic of Paraguay; Her Majesty the Queen of the Netherlands; the President of the Republic of Peru; His Imperial Majesty the Shah of Persia; His Majesty the King of Portugal

and of the Algarves, &c.; His Majesty the King of Roumania; His Majesty the Emperor of All the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the Ottomans; the President of the Oriental Republic of Uruguay; the President of the United States of Venezuela:

Animated by the desire to settle in an equitable manner the differences which sometimes arise in the course of a naval war in connection with the decisions of National Prize Courts;

Considering that, if these Courts are to continue to exercise their functions in the manner determined by national legislation, it is desirable that in certain cases an appeal should be provided under conditions conciliating, as far as possible, the public and private interests involved in matters of prize;

Whereas, moreover, the institution of an International Court, whose jurisdiction and procedure would be carefully defined, has seemed to be the best method of attaining this object;

Convinced, finally, that in this manner the hardships consequent on naval war would be mitigated; that, in particular, good relations will be more easily maintained between belligerents and neutrals and peace better assured;

Desirous of concluding a Convention to this effect, have appointed the following as their Plenipotentiaries:

[For names of Plenipotentiaries see Final Act, supra.]

Who, after depositing their full powers, found in good and due form, have agreed upon the following provisions:—

Part I.—*General Provisions.*

Article I.

The validity of the capture of a merchant-ship or its cargo is decided before a Prize Court in accordance with the present Convention when neutral or enemy property is involved.

Article II.

Jurisdiction in matters of prize is exercised in the first instance by the Prize Courts of the belligerent captor.

The judgments of these Courts are pronounced in public or are officially notified to parties concerned who are neutrals or enemies.

Article III.

The judgments of National Prize Courts may be brought before the International Prize Court—

1. When the judgment of the National Prize Courts affects the property of a neutral Power or individual;
2. When the judgment affects enemy property and relates to—
   - (*a.*) Cargo on board a neutral ship;
   - (*b.*) An enemy ship captured in the territorial waters of a neutral Power, when that Power has not made the capture the subject of a diplomatic claim;

(*c*.) A claim based upon the allegation that the seizure has been effected in violation, either of the provisions of a Convention in force between the belligerent Powers, or of an enactment issued by the belligerent captor

The appeal against the judgment of the National Court can be based on the ground that the judgment was wrong either in fact or in law.

ARTICLE IV.

An appeal may be brought—

1. By a neutral Power, if the judgment of the National Tribunals injuriously affects its property or the property of its nationals (Article III (1)), or if the capture of an enemy vessel is alleged to have taken place in the territorial waters of that Power (Article III (2) (*b*));

2. By a neutral individual, if the judgment of the National Court injuriously affects his property (Article III (1)), subject, however, to the reservation that the Power to which he belongs may forbid him to bring the case before the Court, or may itself undertake the proceedings in his place;

3. By an individual subject or citizen of an enemy Power, if the judgment of the National Court injuriously affects his property in the cases referred to in Article III (2), except that mentioned in paragraph (*b*).

ARTICLE V.

An appeal may also be brought on the same conditions as in the preceding Article, by persons belonging either to neutral States or to the enemy, deriving their rights from and entitled to represent an individual qualified to appeal, and who have taken part in the proceedings before the National Court. Persons so entitled may appeal separately to the extent of their interest.

The same rule applies in the case of persons belonging either to neutral States or to the enemy who derive their rights from and are entitled to represent a neutral Power whose property was the subject of the decision.

ARTICLE VI.

When, in accordance with the above Article III, the International Court has jurisdiction, the National Courts cannot deal with a case in more than two instances. The municipal law of the belligerent captor shall decide whether the case may be brought before the International Court after judgment has been given in first instance or only after an appeal.

If the National Courts fail to give final judgment within two years from the date of capture, the case may be carried direct to the International Court.

ARTICLE VII.

If a question of law to be decided is covered by a Treaty in force between the belligerent captor and a Power which is itself or whose subject or citizen is a party to the proceedings, the Court is governed by the provisions of the said Treaty.

. In the absence of such provisions, the Court shall apply the rules of international law. If no generally recognized rule exists, the Court shall give judgment in accordance with the general principles of justice and equity.

The above provisions apply equally to questions relating to the order and mode of proof.

If, in accordance with Article III (2) (*c*), the ground of appeal is the violation of an enactment issued by the belligerent captor, the Court will enforce the enactment.

The Court may disregard failure to comply with the procedure laid down in the enactments of the belligerent captor, when it is of opinion that the consequences of complying therewith are unjust and inequitable.

Article VIII.

If the Court pronounces the capture of the vessel or cargo to be valid, they shall be disposed of in accordance with the laws of the belligerent captor.

If it pronounces the capture to be null, the Court shall order restitution of the vessel or cargo, and shall fix, if there is occasion, the amount of the damages. If the vessel or cargo have been sold or destroyed, the Court shall determine the compensation to be given to the owner on this account.

If the national Court pronounced the capture to be null, the Court can only be asked to decide as to the damages.

Article IX.

The Contracting Powers undertake to submit in good faith to the decisions of the International Prize Court and to carry them out with the least possible delay.

Part II.—*Constitution of the International Prize Court.*

Article X.

The International Prize Court is composed of Judges and Deputy Judges, who will be appointed by the Contracting Powers, and must all be jurists of known proficiency in questions of international maritime law, and of the highest moral reputation.

The appointment of these Judges and Deputy Judges shall be made within six months after the ratification of the present Convention.

Article XI.

The Judges and Deputy Judges are appointed for a period of six years, reckoned from the date on which the notification of their appointment is received by the Administrative Council established by the Convention for the Pacific Settlement of International Disputes of the 29th July, 1899. Their appointments can be renewed.

Should one of the Judges or Deputy Judges die or resign, the same procedure is followed for filling the vacancy as was followed for appointing him. In this case, the appointment is made for a fresh period of six years.

Article XII.

The Judges of the International Prize Court are all equal in rank and have precedence according to the date on which the notification of their appointment was received (Article XI, paragraph 1), and if they sit by rota (Article XV, paragraph 2), according to the date on which they entered upon their duties. When the date is the same the senior in age takes precedence.

The Deputy Judges when acting are assimilated to the Judges. They rank, however, after them.

Article XIII.

The Judges enjoy diplomatic privileges and immunities in the performance of their duties and when outside their own country.

Before taking their seat, the Judges must swear, or make a solemn promise before the Administrative Council, to discharge their duties impartially and conscientiously.

Article XIV.

The Court is composed of fifteen Judges; nine Judges constitute a quorum.

A Judge who is absent or prevented from sitting is replaced by the Deputy Judge.

Article XV.

The Judges appointed by the following Contracting Powers: Germany, the United States of America, Austria-Hungary, France, Great Britain, Italy, Japan, and Russia, are always summoned to sit.

The Judges and Deputy Judges appointed by the other Contracting Powers sit by rota as shown in the Table annexed to the present Convention; their duties may be performed successively by the same person. The same Judge may be appointed by several of the said Powers.

Article XVI.

If a belligerant Power has, according to the rota, no Judge sitting in the Court, it may ask that the Judge appointed by it should take part in the settlement of all cases arising from the war. Lots shall then be drawn as to which of the Judges entitled to sit according to the rota shall withdraw. This arrangement does not affect the Judge appointed by the other belligerent.

Article XVII.

No Judge can sit who has been a party, in any way whatever, to the sentence pronounced by the National Courts, or has taken part in the case as counsel or advocate for one of the parties.

No Judge or Deputy Judge can, during his tenure of office, appear as agent or advocate before the International Prize Court, nor act for one of the parties in any capacity whatever.

Article XVIII.

The belligerent captor is entitled to appoint a naval officer of high rank to sit as Assessor, but with no voice in the decision. A neutral Power, which is a party to the proceedings or whose subject or citizen is a party, has the same right of appointment; if as the result of this last provision more than one Power is concerned, they must agree among themselves, if necessary by lot, on the officer to be appointed.

Article XIX.

The Court elects its President and Vice-President by an absolute majority of the votes cast. After two ballots, the election is made by a bare majority, and, in case the votes are equal, by lot.

Article XX.

The Judges on the International Prize Court are entitled to travelling allowances in accordance with the regulations in force in their own country, and in addition receive, while the Court is sitting or while they are carrying out duties conferred upon them by the Court, a sum of 100 Netherland florins per diem.

These payments are included in the general expenses of the Court dealt with in Article XLVII, and are paid through the International Bureau established by the Convention of the 29th July, 1899.

The Judges may not receive from their own Government or from that of any other Power any remuneration in their capacity of members of the Court.

Article XXI.

The seat of the International Prize Court is at The Hague and it cannot, except in the case of *force majeure*, be transferred elsewhere without the consent of the belligerents.

Article XXII.

The Administrative Council fulfils, with regard to the International Prize Court, the same functions as to the Permanent Court of Arbitration, but only Representatives of Contracting Powers will be members of it.

Article XXIII.

The International Bureau acts as registry to the International Prize Court and must place its offices and staff at the disposal of the Court. It has charge of the archives and carries out the administrative work.

The Secretary-General of the International Bureau acts as Registrar.

The necessary secretaries to assist the Registrar, translators and shorthand writers are appointed and sworn in by the Court.

ARTICLE XXIV.

The Court determines which language it will itself use and what languages may be used before it, but the official language of the National Courts which have had cognizance of the case may always be used before the Court.

ARTICLE XXV.

Powers which are concerned in a case may appoint special agents to act as intermediaries between themselves and the Court. They may also engage counsel or advocates to defend their rights and interests.

ARTICLE XXVI.

A private person concerned in a case will be represented before the Court by an attorney, who must be either an advocate qualified to plead before a Court of Appeal or a High Court of one of the Contracting States, or a lawyer practising before a similar Court, or lastly, a professor of law at one of the higher teaching centers of those countries.

ARTICLE XXVII.

For all notices to be served, in particular on the parties, witnesses, or experts, the Court may apply direct to the Government of the State on whose territory the service is to be carried out. The same rule applies in the case of steps being taken to procure evidence.

The requests for this purpose are to be executed so far as the means at the disposal of the Power applied to under its municipal law allow. They cannot be rejected unless the Power in question considers them calculated to impair its sovereign rights or its safety. If the request is complied with, the fees charged must only comprise the expenses actually incurred.

The Court is equally entitled to act through the Power on whose territory it sits.

Notices to be given to parties in the place where the Court sits may be served through the International Bureau.

PART III.—*Procedure in the International Prize Court.*

ARTICLE XXVIII.

An appeal to the International Prize Court is entered by means of a written declaration made in the National Court which has already dealt with the case or addressed to the International Bureau; in the latter case the appeal can be entered by telegram.

The period within which the appeal must be entered is fixed at 120 days, counting from the day the decision is delivered or notified (Article II, paragraph 2).

ARTICLE XXIX.

If the notice of appeal is entered in the National Court, this Court, without considering the question whether the appeal was entered

in due time, will transmit within seven days the record of the case to the International Bureau.

If the notice of the appeal is sent to the International Bureau, the Bureau will immediately inform the National Court, when possible by telegraph. The latter will transmit the record as provided in the preceding paragraph.

When the appeal is brought by a neutral individual the International Bureau at once informs by telegraph the individual's Government, in order to enable it to enforce the rights it enjoys under Article IV, paragraph 2.

Article XXX.

In the case provided for in Article VI, paragraph 2, the notice of appeal can be addressed to the International Bureau only. It must be entered within thirty days of the expiration of the period of two years.

Article XXXI.

If the appellant does not enter his appeal within the period laid down in Articles XXVIII or XXX, it shall be rejected without discussion.

Provided that he can show that he was prevented from so doing by *force majeure*, and that the appeal was entered within sixty days after the circumstances which prevented him entering it before had ceased to operate, the Court can, after hearing the respondent, grant relief from the effect of the above provision.

Article XXXII.

If the appeal is entered in time, a certified copy of the notice of appeal is forthwith officially transmitted by the Court to the respondent.

Article XXXIII.

If, in addition to the parties who are before the Court, there are other parties concerned who are entitled to appeal, or if, in the case referred to in Article XXIX, paragraph 3, the Government who has received notice of an appeal has not announced its decision, the Court will await before dealing with the case the expiration of the period laid down in Articles XXVIII or XXX.

Article XXXIV.

The procedure before the International Court includes two distinct parts: the written pleadings and oral discussions.

The written pleadings consist of the deposit and exchange of cases, counter-cases, and, if necessary, of replies, of which the order is fixed by the Court, as also the periods within which they must be delivered. The parties annex thereto all papers and documents of which they intend to make use.

A certified copy of every document produced by one party must be communicated to the other party through the medium of the Court.

ARTICLE XXXV.

After the close of the pleadings, a public sitting is held on a day fixed by the Court.

At this sitting the parties state their view of the case both as to the law and as to the facts.

The Court may, at any stage of the proceedings, suspend speeches of counsel, either at the request of one of the parties, or on their own initiative, in order that supplementary evidence may be obtained.

ARTICLE XXXVI.

The International Court may order the supplementary evidence to be taken either in the manner provided by Article XXVII, or before itself, or one or more of the members of the Court, provided that this can be done without resort to compulsion or the use of threats.

If steps are to be taken for the purpose of obtaining evidence by members of the Court outside the territory where it is sitting, the consent of the foreign Government must be obtained.

ARTICLE XXXVII.

The parties are summoned to take part in all stages of the proceedings and receive certified copies of the Minutes.

ARTICLE XXXVIII.

The discussions are under the control of the President or Vice-President, or, in case they are absent or cannot act, of the senior Judge present.

The Judge appointed by a belligerent party cannot preside.

ARTICLE XXXIX.

The discussions take place in public, subject to the right of a Government who is a party to the case to demand that they be held in private.

Minutes are taken of these discussions and signed by the President and Registrar, and these Minutes alone have an authentic character.

ARTICLE XL.

If a party does not appear, despite the fact that he has been duly cited, or if a party fails to comply with some step within the period fixed by the Court, the case proceeds without that party, and the Court gives judgment in accordance with the material at its disposal.

ARTICLE XLI.

The Court officially notifies to the parties Decrees or decisions made in their absence.

Article XLII.

The Court takes into consideration in arriving at its decision all the facts, evidence, and oral statements.

Article XLIII.

The Court considers its decision in private and the proceedings are secret.

All questions are decided by a majority of the Judges present. If the number of Judges is even and equally divided, the vote of the junior Judge in the order of precedence laid down in Article XII, paragraph 1, is not counted.

Article XLIV.

The judgment of the Court must give the reasons on which it is based. It contains the names of the Judges taking part in it, and also of the Assessors, if any; it is signed by the President and Registrar.

Article XLV.

The sentence is pronounced in public sitting, the parties concerned being present or duly summoned to attend; the sentence is officially communicated to the parties.

When this communication has been made, the Court transmits to the National Prize Court the record of the case, together with copies of the various decisions arrived at and of the Minutes of the proceedings.

Article XLVI.

Each party pays its own costs.

The party against whom the Court decides bears, in addition, the costs of the trial, and also pays 1 per cent. of the value of the subject-matter of the case as a contribution to the general expenses of the International Court. The amount of these payments is fixed in the judgment of the Court.

If the appeal is brought by an individual, he will furnish the International Bureau with security to an amount fixed by the Court, for the purpose of guaranteeing eventual fulfilment of the two obligations mentioned in the preceding paragraph. The Court is entitled to postpone the opening of the proceedings until the security has been furnished.

Article XLVII.

The general expenses of the International Prize Court are borne by the Contracting Powers in proportion to their share in the composition of the Court as laid down in Article XV and in the annexed Table. The appointment of Deputy Judges does not involve any contribution.

The Administrative Council applies to the Powers for the funds requisite for the working of the Court.

Article XLVIII.

When the Court is not sitting, the duties conferred upon it by Article XXXII, Article XXXIV, paragraphs 2 and 3, Article XXXV, paragraph 1, and Article XLV, paragraph 3, are discharged by a delegation of three Judges appointed by the Court. This delegation decides by a majority of votes.

Article XLIX.

The Court itself draws up its own rules of procedure, which must be communicated to the Contracting Powers.

It will meet to elaborate these rules within a year of the ratification of the present Convention.

Article L.

The Court may propose modifications in the provisions of the present Convention concerning procedure. These proposals are communicated, through the medium of the Netherland Government, to the Contracting Powers, which will consider together as to the measures to be taken.

Part IV.—*Final Provisions.*

Article LI.

The present Convention does not apply as of right except when the belligerent Powers are all parties to the Convention.

It is further fully understood that an appeal to the International Prize Court can only be brought by a Contracting Power or the subject or citizen of a Contracting Power.

In the cases mentioned in Article V, the appeal is only admitted when both the owner and the person entitled to represent him are equally Contracting Powers or the subjects or citizens of Contracting Powers.

Article LII.

The present Convention shall be ratified and the ratifications shall be deposited at The Hague as soon as all the Powers mentioned in Article XV and in the Table annexed are in a position to do so.

The deposit of the ratifications shall take place, in any case, on the 30th June, 1909, if the Powers which are ready to ratify furnish nine Judges and nine Deputy Judges to the Court, qualified to validly constitute a Court. If not, the deposit shall be postponed until this condition is fulfilled.

A Minute of the deposit of ratifications shall be drawn up, of which a certified copy shall be forwarded, through the diplomatic channel, to each of the Powers referred to in the first paragraph.

Article LIII.

The Powers referred to in Article XV and in the Table annexed are entitled to sign the present Convention up to the deposit of the ratifications contemplated in paragraph 2 of the preceding Article.

After this deposit, they can at any time adhere to it, purely and simply. A Power wishing to adhere, notifies its intention in writing to the Netherland Government transmitting to it, at the same time, the act of adhesion, which shall be deposited in the archives of the said Government. The latter shall send, through the diplomatic channel, a certified copy of the notification and of the act of adhesion to all the Powers referred to in the preceding paragraph, informing them of the date on which it has received the notification.

Article LIV.

The present Convention shall come into force six months from the deposit of the ratifications contemplated in Article LII, paragraphs 1 and 2.

The adhesions shall take effect sixty days after notification of such adhesion has been received by the Netherland Government, or as soon as possible on the expiration of the period contemplated in the preceding paragraph.

The International Court shall, however, have jurisdiction to deal with prize cases decided by the National Courts at any time after the deposit of the ratifications or of the receipt of the notification of the adhesions. In such cases, the period fixed in Article XXVIII, paragraph 2, shall only be reckoned from the date when the Convention comes into force as regards a Power which has ratified or adhered.

Article LV.

The present Convention shall remain in force for twelve years from the time it comes into force, as determined by Article LIV, paragraph 1, even in the case of Powers which adhere subsequently.

It shall be renewed tacitly from six years to six years unless denounced.

Denunciation must be notified in writing, at least one year before the expiration of each of the periods mentioned in the two preceding paragraphs, to the Netherland Government, which will inform all the other Contracting Powers.

Denunciation shall only take effect in regard to the Power which has notified it. The Convention shall remain in force in the case of the other Contracting Powers, provided that their participation in the appointment of Judges is sufficient to allow of the composition of the Court with nine Judges and nine Deputy Judges.

Article LVI.

In case the present Convention is not in operation as regards all the Powers referred to in Article XV and the annexed Table, the Administrative Council shall draw up a list on the lines of that Article and Table of the Judges and Deputy Judges through whom the Contracting Powers will share in the composition of the Court. The times allotted by the said Table to Judges who are summoned to sit in rota will be redistributed between the different years of the six-year period in such a way that, as far as possible, the number of

the Judges of the Court in each year shall be the same. If the number of Deputy Judges is greater than that of the Judges, the number of the latter can be completed by Deputy Judges chosen by lot among those powers which do not nominate a Judge.

The list drawn up in this way by the Administrative Council shall be notified to the Contracting Powers. It shall be revised when the number of these Powers is modified as the result of adhesions or denunciations.

The change resulting from an adhesion is not made until the 1st January after the date on which the adhesion takes effect, unless the adhering Power is a belligerent Power, in which case it can ask to be at once represented in the Court, the provision of Article XVI being, moreover, applicable if necessary.

When the total number of Judges is less than eleven, seven Judges form a quorum.

Article LVII.

Two years before the expiration of each period referred to in paragraphs 1 and 2 of Article LV any Contracting Power can demand a modification of the provisions of Article XV and of the annexed Table, relative to its participation in the composition of the Court. The demand shall be addressed to the Administrative Council, which will examine it and submit to all the Powers proposals as to the measures to be adopted. The Powers shall inform the Administrative Council of their decision with the least possible delay. The result shall be at once, and at least one year and thirty days before the expiration of the said period of two years, communicated to the Power which made the demand.

When necessary, the modifications adopted by the Powers shall come into force from the commencement of the fresh period.

In faith whereof the Plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers designated in Article XV and in the Table annexed.

ANNEX TO ARTICLE XV.

Distribution of Judges and Deputy Judges by Countries for each Year of the period of Six Years.

	Judges.	Deputy Judges.	Judges.	Deputy Judges.
	First Year.		*Second Year.*	
1	Argentina	Paraguay.	Argentina	Panama.
2	Colombia	Bolivia.	Spain	Spain.
3	Spain	Spain.	Greece	Roumania.
4	Greece	Roumania.	Norway	Sweden.
5	Norway	Sweden.	Netherlands	Belgium.
6	Netherlands	Belgium.	Turkey	Luxemburg.
7	Turkey	Persia.	Uruguay	Costa Rica.

Distribution of Judges and Deputy Judges by Countries for each Year of the period of Six Years—Continued.

	Judges.	Deputy Judges.	Judges.	Deputy Judges.
	Third Year.		*Fifth Year.*	
1	Brazil	Santo Domingo.	Belgium	Netherlands.
2	China	Turkey.	Bulgaria	Montenegro.
3	Spain	Portugal.	Chile	Nicaragua.
4	Netherlands	Switzerland.	Denmark	Norway.
5	Roumania	Greece.	Mexico	Cuba.
6	Sweden	Denmark.	Persia	China.
7	Venezuela	Haiti.	Portugal	Spain.
	Fourth Year.		*Sixth Year.*	
1	Brazil	Guatemala.	Belgium	Netherlands.
2	China	Turkey.	Chile	Salvador.
3	Spain	Portugal.	Denmark	Norway.
4	Peru	Honduras.	Mexico	Ecuador.
5	Roumania	Greece.	Portugal	Spain.
6	Sweden	Denmark.	Servia	Bulgaria.
7	Switzerland	Netherlands.	Siam	China.

IN EXECUTIVE SESSION,
SENATE OF THE UNITED STATES.

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the convention for an international prize court signed at The Hague on the 18th day of October, 1907, and at the same time to the ratification, as forming an integral part of the said convention, of the protocol thereto, signed at The Hague on the 19th day of September, 1910, and transmitted to the Senate by the President on the 2d day of February, 1911: *Provided*, That it is the understanding of the Senate and is a condition of its consent and advice that in the instrument of ratification the United States of America shall declare that in prize cases recourse to the International Court of Prize can only be exercised against it in the form of an action in damages for the injuries caused by the capture.

[Translation.]

ADDITIONAL PROTOCOL TO THE CONVENTION RELATIVE TO THE ESTABLISHMENT OF AN INTERNATIONAL COURT OF PRIZE.

Germany, the United States of America, the Argentine Republic, Austria-Hungary, Chile, Denmark, Spain, France, Great Britain, Japan, Norway, the Netherlands, Sweden, powers signatory to The Hague Convention dated October 18, 1907, for the establishment of an international court of prize, considering that for some of these powers difficulties of a constitutional nature prevent the acceptance of the said convention, in its present form, have deemed it expedient to agree upon an additional protocol taking into account these difficulties without jeopardizing any legitimate interest and have, to that end, appointed as their plenipotentiaries, to wit:

Germany: His Excellency F. de Müller, envoy extraordinary and minister plenipotentiary at The Hague.

The United States of America: James Brown Scott.

The Argentine Republic: His Excellency Alejandro Guesalaga, envoy extraordinary and minister plenipotentiary at The Hague.

Austria-Hungary: Baron E. de Gudenus, chargé d'affaires ad interim at The Hague.

Chile: His Excellency F. Puga Borne, envoy extraordinary and minister plenipotentiary at Paris.

Denmark: J. W. de Grevenkop Castenkkjold, minister resident at The Hague.

Spain: His Excellency Jose de la Rica y Calvo, envoy extraordinary and minister plenipotentiary at The Hague.

France: His Excellency Marcellin Pellet, envoy extraordinary and minister plenipotentiary at The Hague.

Great Britain: His Excellency Sir George W. Buchanan, G. C. V. O., K. C. M. G., C. B., envoy extraordinary and minister plenipotentiary at the Hague.

Japan: His Excellency Aimaro Sato, envoy extraordinary and minister plenipotentiary at The Hague.

Norway: His Excellency G. F. Hagerup, envoy extraordinary and minister plenipotentiary at The Hague.

The Netherlands: His Excellency Jonheer R. de Marees van Swinderen, minister of foreign affairs.

Sweden: His Excellency Count J. J. A. Ehrensvärd, envoy extraordinary and minister plenipotentiary at The Hague.

Who, after depositing their full powers, found to be in good and due form, have agreed upon the following:

ARTICLE 1. The powers signatory or adhering to The Hague Convention of October 18, 1907, relative to the establishment of an international court of prize, which are prevented by difficulties of a constitutional nature from accepting the said convention in its present form, have the right to declare in the instrument of ratification or adherence that in prize cases, wherefore their national courts have jurisdiction, recourse to the international court of prize can only be exercised against them in the form of an action in damages for the injury caused by the capture.

ART. 2. In the case of recourse to the international court of prize, in the form of an action for damages, article 8 of the convention is not applicable; it is not for the court to pass upon the validity or the nullity of the capture, nor to reserve or affirm the decision of the national tribunals.

If the capture is considered illegal, the court determines the amount of damages to be allowed, if any, to the claimants.

ART. 3. The conditions to which recourse to the international court of prize is subject by the convention are applicable to the action in damages.

ART. 4. Under reserve of the provisions hereinafter stated the rules of procedure established by the convention for recourse to the international court of prize shall be observed in the action in damages.

ART. 5. In derogation of article 28, paragraph 1, of the convention, the suit for damages can only be brought before the international court of prize by means of a written declaration addressed to the International Bureau of the Permanent Court of Arbitration; the case may even be brought before the bureau by telegram.

ART. 6. In derogation of article 29 of the convention the international bureau shall notify directly, and if possible by telegram, the Government of the belligerent captor of the declaration of action brought before it.

The Government of the belligerent captor, without considering whether the prescribed periods of time have been observed, shall, within seven days of the receipt of the notification, transmit to the international bureau the case, appending thereto a certified copy of the decision, if any, rendered by the national tribunal.

ART. 7. In derogation of article 45, paragraph 2, of the convention the court rendering its decision and notifying it to the parties to the suit shall send directly to the Government of the belligerent captor the record of the case submitted to it, appending thereto a copy of the various intervening decisions as well as a copy of the minutes of the preliminary proceedings.

ART. 8. The present additional protocol shall be considered as forming an integral part of and shall be ratified at the same time as the convention.

If the declaration provided for in article 1 herein above is made in the instrument of the ratification, a certified copy thereof shall be inserted in the procès verbal of the deposit of ratifications referred to in article 52, paragraph 3, of the convention.

ART. 9. Adherence to the convention is subordinated to adherence to the present additional protocol.

In faith of which the plenipotentiaries have affixed their signatures to the present additional protocol.

Done at The Hague on the 19th day of September, 1910, in a single copy, which shall remain deposited in the archives of the Government of the Netherlands and of which duly certified copies shall be forwarded through diplomatic channels to the powers designated in Article XV of the convention relative to the establishment of an international court of prize of October 18, 1907, and in its appendix.

For Germany:

F. DE MULLER.

For United States of America:

JAMES BROWN SCOTT.

For the Argentine Republic:

ALEJANDRO GUESALAGA.

For Austria-Hungary:

E. DE GUDENUS.

For Chile:

F. PUGA BORNE.

For Denmark:

J. W. DE GREVENKOP CASTENSKJOLD.

For Spain:

JOSE DE LA RICA Y CALVO.

For France:

MARCELLIN PELLET.

For Great Britain:

GEORGE W. BUCHANAN, G. C. V. O., K. C. M. G., C. B.

For Japan:

AIMARO SATO.

For Norway:

G. F. HAGERUP.

For the Netherlands:

JONKHEER R. DE MAREES.

VAN SWINDERON.

For Sweden:

J. J. A. EHRENSVARD.

1909.

International Naval Conference.[a]

Signed at London February 26, 1909; ratification advised by the Senate April 24, 1912.

[The text of this convention is taken from the copy printed for the use of the Senate of the United States.]

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[a]Adversely acted on by Parliament of Great Britain.

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[Translation.]

DECLARATION CONCERNING THE LAWS OF NAVAL WARFARE.

HIS Majesty the German Emperor, King of Prussia; the President of the United States of America; His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; His Majesty the King of Italy; His Majesty the Emperor of Japan; Her Majesty the Queen of the Netherlands; His Majesty the Emperor of All the Russias.

Having regard to the terms in which the British Government invited various Powers to meet in conference in order to arrive at an agreement as to what are the generally recognized rules of international law within the meaning of Article 7 of the Convention of 18th October, 1907, relative to the establishment of an International Prize Court;

Recognizing all the advantages which an agreement as to the said rules would, in the unfortunate event of a naval war, present, both as regards peaceful commerce, and as regards the belligerents and their diplomatic relations with neutral Governments;

Having regard to the divergence often found in the methods by which it is sought to apply in practice the general principles of international law;

Animated by the desire to insure henceforward a greater measure of uniformity in this respect;

Hoping that a work so important to the common welfare will meet with general approval;

Have appointed as their Plenipotentiaries, that is to say:

His Majesty the German Emperor, King of Prussia:

M. Kriege, Privy Councillor of Legation and Legal Adviser to the Department for Foreign Affairs, Member of the Permanent Court of Arbitration.

The President of the United States of America:

Rear-Admiral Charles H. Stockton, retired;

Mr. George Grafton Wilson, Professor at Brown University and Lecturer on International Law at the Naval War College and at Harvard University.

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary:

His Excellency M. Constantin Thoédore Dumba, Privy Councillor of His Imperial and Royal Apostolic Majesty, Envoy Extraordinary and Minister Plenipotentiary.

His Majesty the King of Spain:

M. Gabriel Maura y Gamazo, Count de la Mortera, Member of Parliament.

The President of the French Republic:

M. Louis Renault, Professor of the Faculty of Law at Paris, Honorary Minister Plenipotentiary, Legal Adviser to the Ministry of Foreign Affairs, Member of the Institute of France, Member of the Permanent Court of Arbitration.

His Majesty the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, Emperor of India:

The Earl of Desart, K. C. B., King's Proctor.

His Majesty the King of Italy:

M. Guido Fusinato, Councillor of State, Member of Parliament, ex-Minister of Public Instruction, Member of the Permanent Court of Arbitration.

His Majesty the Emperor of Japan:

Baron Toshiatsu Sakamoto, Vice-Admiral, Head of the Department of Naval Instruction.

M. Enjiro Yamaza, Councillor of the Imperial Embassy at London.

Her Majesty the Queen of the Netherlands:

His Excellency Jonkheer J. A. Roell, Aide-de-Camp to Her Majesty the Queen in Extraordinary Service, Vice-Admiral retired, ex-Minister of Marine.

Jonkheer L. H. Ruyssenaers, Envoy Extraordinary and Minster Plenipotentiary, ex-Secretary-General of the Permanent Court of Arbitration.

His Majesty the Emperor of all the Russias:

Baron Taube, Doctor of Laws, Councillor to the Imperial Ministry of Foreign Affairs, Professor of International Law at the University of St. Petersburgh.

Who, after having communicated their full powers, found to be in good and due form, have agreed to make the present Declaration:—

Preliminary Provision.

The Signatory Powers are agreed that the rules contained in the following Chapters correspond in substance with the generally recognized principles of international law.

Chapter I. Blockade in time of war.

Article 1.

A blockade must not extend beyond the ports and coasts belonging to or occupied by the enemy.

Article 2.

In accordance with the Declaration of Paris of 1856, a blockade, in order to be binding, must be effective,—that is to say, it must be maintained by a force sufficient really to prevent access to the enemy coastline.

Article 3.

The question whether a blockade is effective is a question of fact.

Article 4.

A blockade is not regarded as raised if the blockading force is temporarily withdrawn on account of stress of weather.

ARTICLE 5.

A blockade must be applied impartially to the ships of all nations.

ARTICLE 6.

The Commander of a blockading force may give permission to a warship to enter, and subsequently to leave, a blockaded port.

ARTICLE 7.

In circumstances of distress, acknowledged by an officer of the blockading force, a neutral vessel may enter a place under blockade and subsequently leave it, provided that she has neither discharged nor shipped any cargo there.

ARTICLE 8.

A blockade, in order to be binding, must be declared in accordance with Article 9, and notified in accordance with Articles 11 and 16.

ARTICLE 9.

A declaration of blockade is made either by the blockading Power or by the naval authorities acting in its name.

It specifies—

(1) The date when the blockade begins;

(2) The geographical limits of the coastline under blockade;

(3) The period within which neutral vessels may come out.

ARTICLE 10.

If the operations of the blockading Power, or of the naval authorities acting in its name, do not tally with the particulars, which, in accordance with Article 9 (1) and (2), must be inserted in the declaration of blockade, the declaration is void, and a new declaration is necessary in order to make the blockade operative.

ARTICLE 11.

A declaration of blockade is notified—

(1) To neutral Powers, by the blockading Power by means of a communication addressed to the Government direct, or to their representatives accredited to it;

(2) To the local authorities, by the officer commanding the blockading force. The local authorities will, in turn, inform the foreign consular officers at the port or on the coastline under blockade as soon as possible.

ARTICLE 12.

The rules as to declaration and notification of blockade apply to cases where the limits of a blockade are extended, or where a blockade is re-established after having been raised.

ARTICLE 13.

The voluntary raising of a blockade, as also any restriction in the limits of a blockade, must be notified in the manner prescribed by Article 11.

ARTICLE 14.

The liability of a neutral vessel to capture for breach of blockade is contingent on her knowledge, actual or presumptive, of the blockade.

ARTICLE 15.

Failing proof to the contrary, knowledge of the blockade is presumed if the vessel left a neutral port subsequently to the notification of the blockade to the Power to which such port belongs, provided that such notification was made in sufficient time.

ARTICLE 16.

If a vessel approaching a blockaded port has no knowledge, actual or presumptive, of the blockade, the notification must be made to the vessel itself by an officer of one of the ships of the blockading force. This notification should be entered in the vessel's logbook, and must state the day and hour, and the geographical position of the vessel at the time.

If, through the negligence of the officer commanding the blockading force, no declaration of blockade has been notified to the local authorities, or, if in the declaration, as notified, no period has been mentioned within which neutral vessels may come out, a neutral vessel coming out of the blockaded port must be allowed to pass free.

ARTICLE 17.

Neutral vessels may not be captured for breach of blockade except within the area of operations of the warships detailed to render the blockade effective.

ARTICLE 18.

The blockading forces must not bar access to neutral ports or coasts.

ARTICLE 19.

Whatever may be the ulterior destination of a vessel or of her cargo, she cannot be captured for breach of blockade, if, at the moment, she is on her way to a non-blockaded port.

ARTICLE 20.

A vessel which has broken blockade outwards, or which has attempted to break blockade inwards, is liable to capture so long as she is pursued by a ship of the blockading force. If the pursuit is abandoned, or if the blockade is raised, her capture can no longer be effected.

Article 21.

A vessel found guilty of breach of blockade is liable to condemnation. The cargo is also condemned, unless it is proved that at the time of the shipment of the goods the shipper neither knew nor could have known of the intention to break the blockade.

Chapter II.—contraband of war.

Article 22.

The following articles may, without notice,[a] be treated as contraband of war, under the name of absolute contraband:—

(1) Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.

(2) Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.

(3) Powder and explosives specially prepared for use in war.

(4) Gun-mountings, limber boxes, limbers, military waggons, field forges, and their distinctive component parts.

(5) Clothing and equipment of a distinctively military character.

(6) All kinds of harness of a distinctively military character.

(7) Saddle, draught, and pack animals suitable for use in war.

(8) Articles of camp equipment, and their distinctive component parts.

(9) Armour plates.

(10) Warships, including boats, and their distinctive component parts of such a nature that they can only be used on a vessel of war.

(11) Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land or sea.

Article 23.

Articles exclusively used for war may be added to the list of absolute contraband by a declaration, which must be notified.

Such notification must be addressed to the Governments of other Powers, or to their representatives accredited to the Power making the declaration. A notification made after the outbreak of hostilities is addressed only to neutral Powers.

Article 24.

The following articles, susceptible of use in war as well as for purposes of peace, may, without notice,[b] be treated as contraband of war, under the name of conditional contraband:—

(1) Foodstuffs.

(2) Forage and grain, suitable for feeding animals.

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[a] In view of the difficulty of finding an exact equivalent in English for the expression "de plein droit," it has been decided to translate it by the words "without notice," which represent the meaning attached to it by the draftsman as appears from the General Report (see p. 44).

[b] See note on Article 22.

(3) Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
(4) Gold and silver in coin or bullion; paper money.
(5) Vehicles of all kinds available for use in war, and their component parts.
(6) Vessels, craft, and boats of all kinds; floating docks, parts of docks and their component parts.
(7) Railway material, both fixed and rolling-stock, and material for telegraphs, wireless telegraphs, and telephones.
(8) Balloons and flying machines and their distinctive component parts, together with accessories and articles recognizable as intended for use in connection with balloons and flying machines.
(9) Fuel; lubricants.
(10) Powder and explosives not specially prepared for use in war.
(11) Barbed wire and implements for fixing and cutting the same.
(12) Horseshoes and shoeing materials.
(13) Harness and saddlery.
(14) Field Glasses, telescopes, chronometers, and all kinds of nautical instruments.

ARTICLE 25.

Articles susceptible of use in war as well as for purposes of peace, other than those enumerated in Articles 22 and 24, may be added to the list of conditional contraband by a declaration, which must be notified in the manner provided for in the second paragraph of Article 23.

ARTICLE 26.

If a Power waives, so far as it is concerned, the right to treat as contraband of war an article comprised in any of the classes enumerated in Articles 22 and 24, such intention shall be announced by a declaration, which must be notified in the manner provided for in the second paragraph of Article 23.

ARTICLE 27.

Articles which are not susceptible of use in war may not be declared contraband of war.

ARTICLE 28.

The following may not be declared contraband of war:—
(1) Raw cotton, wool, silk, jute, flax, hemp, and other raw materials of the textile industries, and yarns of the same.
(2) Oil seeds and nuts; copra.
(3) Rubber, resins, gums, and lacs; hops.
(4) Raw hides and horns, bones and ivory.
(5) Natural and artificial manures, including nitrates and phosphates for agricultural purposes.
(6) Metallic ores.
(7) Earths, clays, lime, chalk, stone, including marble, bricks, slates, and tiles.
(8) Chinaware and glass.
(9) Paper and paper-making materials.

(10) Soap, paint and colours, including articles exclusively used in their manufacture, and varnish.

(11) Bleaching powder, soda ash, caustic soda, salt cake, ammonia, sulphate of ammonia, and sulphate of copper.

(12) Agricultural, mining, textile, and printing machinery.

(13) Precious and semi-precious stones, pearls, mother-of-pearl, and coral.

(14) Clocks and watches, other than chronometers.

(15) Fashion and fancy goods.

(16) Feathers of all kinds, hairs, and bristles.

(17) Articles of household furniture and decoration; office furniture and requisites.

ARTICLE 29.

Likewise the following may not be treated as contraband of war:

(1) Articles serving exclusively to aid the sick and wounded. They can, however, in case of urgent military necessity and subject to the payment of compensation, be requisitioned, if their destination is that specified in Article 30.

(2) Articles intended for the use of the vessel in which they are found, as well as those intended for the use of her crew and passengers during the voyage.

ARTICLE 30.

Absolute contraband is liable to capture if it is shown to be destined to territory belonging to or occupied by the enemy, or to the armed forces of the enemy. It is immaterial whether the carriage of the goods is direct or entails transshipment or a subsequent transport by land.

ARTICLE 31.

Proof of the destination specified in Article 30 is complete in the following cases:—

(1) When the goods are documented for discharge in an enemy port, or for delivery to the armed forces of the enemy.

(2) When the vessel is to call at enemy ports only, or when she is to touch at an enemy port or meet the armed forces of the enemy before reaching the neutral port for which the goods in question are documented.

ARTICLE 32.

Where a vessel is carrying absolute contraband, her papers are conclusive proof as to the voyage on which she is engaged, unless she is found clearly out of the course indicated by her papers and unable to give adequate reasons to justify such deviation.

ARTICLE 33.

Conditional contraband is liable to capture if it is shown to be destined for the use of the armed forces or of a government department of the enemy State, unless in this latter case the circumstances show that the goods cannot in fact be used for the purposes of the

war in progress. This latter exception does not apply to a consignment coming under Article 24 (4).

ARTICLE 34.

The destination referred to in Article 33 is presumed to exist if the goods are consigned to enemy authorities, or to a contractor established in the enemy country who, as a matter of common knowledge, supplies articles of this kind to the enemy. A similar presumption arises if the goods are consigned to a fortified place belonging to the enemy, or other place serving as a base for the armed forces of the enemy. No such presumption, however, arises in the case of a merchant vessel bound for one of these places if it is sought to prove that she herself is contraband.

In cases where the above presumptions do not arise, the destination is presumed to be innocent.

The presumptions set up by this Article may be rebutted.

ARTICLE 35.

Conditional contraband is not liable to capture, except when found on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged in an intervening neutral port.

The ship's papers are conclusive proof both as to the voyage on which the vessel is engaged and as to the port of discharge of the goods, unless she is found clearly out of the course indicated by her papers, and unable to give adequate reasons to justify such deviation.

ARTICLE 36.

Notwithstanding the provisions of Article 35, conditional contraband, if shown to have the destination referred to in Article 33, is liable to capture in cases where the enemy country has no seaboard.

ARTICLE 37.

A vessel carrying goods liable to capture as absolute or conditional contraband may be captured on the high seas or in the territorial waters of the belligerents throughout the whole of her voyage, even if she is to touch at a port of call before reaching the hostile destination.

ARTICLE 38.

A vessel may not be captured on the ground that she has carried contraband on a previous occasion if such carriage is in point of fact at an end.

ARTICLE 39.

Contraband goods are liable to condemnation.

ARTICLE 40.

A vessel carrying contraband may be condemned if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo.

ARTICLE 41.

If a vessel carrying contraband is released, she may be condemned to pay the costs and expenses incurred by the captor in respect of the proceedings in the national prize court and the custody of the ship and cargo during the proceedings.

ARTICLE 42.

Goods which belong to the owner of the contraband and are on board the same vessel are liable to condemnation.

ARTICLE 43.

If a vessel is encountered at sea while unaware of the outbreak of hostilities or of the declaration of contraband which applies to her cargo, the contraband cannot be condemned except on payment of compensation; the vessel herself and the remainder of the cargo are not liable to condemnation or to the costs and expenses referred to in Article 41. The same rule applies if the master, after becoming aware of the outbreak of hostilities, or of the declaration of contraband, has had no opportunity of discharging the contraband.

A vessel is deemed to be aware of the existence of a state of war, or of a declaration of contraband, if she left a neutral port subsequently to the notification to the Power to which such port belongs of the outbreak of hostilities or of the declaration of contraband respectively, provided that such notification was made in sufficient time. A vessel is also deemed to be aware of the existence of a state of war if she left an enemy port after the outbreak of hostilities.

ARTICLE 44.

A vessel which has been stopped on the ground that she is carrying contraband, and which is not liable to condemnation on account of the proportion of contraband on board, may, when the circumstances permit, be allowed to continue her voyage if the master is willing to hand over the contraband to the belligerent warship.

The delivery of the contraband must be entered by the captor on the logbook of the vessel stopped and the master must give the captor duly certified copies of all relevant papers.

The captor is at liberty to destroy the contraband that has been handed over to him under these conditions.

CHAPTER III.—UNNEUTRAL SERVICE.

ARTICLE 45.

A neutral vessel will be condemned and will, in a general way, receive the same treatment as a neutral vessel liable to condemnation for carriage of contraband:—

(1) If she is on a voyage specially undertaken with a view to the transport of individual passengers who are embodied in the armed

forces of the enemy, or with a view to the transmission of intelligence in the interest of the enemy.

(2) If, to the knowledge of either the owner, the charterer, or the master, she is transporting a military detachment of the enemy, or one or more persons who, in the course of the voyage, directly assist the operations of the enemy.

In the cases specified under the above heads, goods belonging to the owner of the vessel are likewise liable to condemnation.

The provisions of the present Article do not apply if the vessel is encountered at sea while unaware of the outbreak of hostilities, or if the master, after becoming aware of the outbreak of hostilities, has had no opportunity of disembarking the passengers. The vessel is deemed to be aware of the existence of a state of war if she left an enemy port subsequently to the outbreak of hostilities, or a neutral port subsequently to the notification of the outbreak of hostilities to the Power to which such port belongs, provided that such notification was made in sufficient time.

Article 46.

A neutral vessel will be condemned and, in a general way, receive the same treatment as would be applicable to her if she were an enemy merchant vessel:

(1) If she takes a direct part in the hostilities;

(2) If she is under the orders or control of an agent placed on board by the enemy Government;

(3) If she is in the exclusive employment of the enemy Government;

(4) If she is exclusively engaged at the time either in the transport of enemy troops or in the transmission of intelligence in the interest of the enemy.

In the cases covered by the present Article, goods belonging to the owner of the vessel are likewise liable to condemnation.

Article 47.

Any individual embodied in the armed forces of the enemy who is found on board a neutral merchant vessel, may be made a prisoner of war, even though there be no ground for the capture of the vessel.

Chapter IV.—Destruction of neutral prizes.

Article 48.

A neutral vessel which has been captured may not be destroyed by the captor; she must be taken into such port as is proper for the determination there of all questions concerning the validity of the capture.

Article 49.

As an exception, a neutral vessel which has been captured by a belligerent warship, and which would be liable to condemnation, may be destroyed if the observance of Article 48 would involve danger to the safety of the warship or to the success of the operations in which she is engaged at the time.

ARTICLE 50.

Before the vessel is destroyed all persons on board must be placed in safety, and all the ship's papers and other documents which the parties interested consider relevant for the purpose of deciding on the validity of the capture must be taken on board the warship.

ARTICLE 51.

A captor who has destroyed a neutral vessel must, prior to any decision respecting the validity of the prize, establish that he only acted in the face of an exceptional necessity of the nature contemplated in Article 49. If he fails to do this, he must compensate the parties interested and no examination shall be made of the question whether the capture was valid or not.

ARTICLE 52.

If the capture of a neutral vessel is subsequently held to be invalid, though the act of destruction has been held to have been justifiable, the captor must pay compensation to the parties interested, in place of the restitution to which they would have been entitled.

ARTICLE 53.

If neutral goods not liable to condemnation have been destroyed with the vessel, the owner of such goods is entitled to compensation.

ARTICLE 54.

The captor has the right to demand the handing over, or to proceed himself to the destruction of, any goods liable to condemnation found on board a vessel not herself liable to condemnation, provided that the circumstances are such as would, under Article 49, justify the destruction of a vessel herself liable to condemnation. The captor must enter the goods surrendered or destroyed in the logbook of the vessel stopped, and must obtain duly certified copies of all relevant papers. When the goods have been handed over or destroyed, and the formalities duly carried out, the master must be allowed to continue his voyage.

The provisions of Articles 51 and 52 respecting the obligations of a captor who has destroyed a neutral vessel are applicable.

CHAPTER V.—TRANSFER TO A NEUTRAL FLAG.

ARTICLE 55.

The transfer of an enemy vessel to a neutral flag, effected before the outbreak of hostilities, is valid, unless it is proved that such transfer was made in order to evade the consequences to which an enemy vessel, as such, is exposed. There is, however, a presumption, if the bill of sale is not on board a vessel which has lost her belligerent nationality less than sixty days before the outbreak of hostilities, that the transfer is void. This presumption may be rebutted.

Where the transfer was effected more than thirty days before the outbreak of hostilities, there is an absolute presumption that it is valid if it is unconditional, complete, and in conformity with the laws of the countries concerned, and if its effect is such that neither the control of, nor the profits arising from the employment of, the vessel remain in the same hands as before the transfer. If, however, the vessel lost her belligerent nationality less than sixty days before the outbreak of hostilities and if the bill of sale is not on board, the capture of the vessel gives no right to damages.

ARTICLE 56.

The transfer of an enemy vessel to a neutral flag effected after the outbreak of hostilities, is void unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed.

There, however, is an absolute presumption that a transfer is void:

(1) If the transfer has been made during a voyage or in a blockaded port.

(2) If a right to repurchase or recover the vessel is reserved to the vendor.

(3) If the requirements of the municipal law governing the right to fly the flag under which the vessel is sailing, have not been fulfilled.

CHAPTER VI.—ENEMY CHARACTER.

ARTICLE 57.

Subject to the provisions respecting transfer to another flag, the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly.

The case where a neutral vessel is engaged in a trade which is closed in time of peace, remains outside the scope of, and is in no wise affected by, this rule.

ARTICLE 58.

The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy character of the owner.

ARTICLE 59.

In the absence of proof of the neutral character of goods found on board an enemy vessel, they are presumed to be enemy goods.

ARTICLE 60.

Enemy goods on board an enemy vessel retain their enemy character until they reach their destination, notwithstanding any transfer effected after the outbreak of hostilities while the goods are being forwarded.

If, however, prior to the capture, a former neutral owner exercises, on the bankruptcy of an existing enemy owner, a recognized legal right to recover the goods, they regain their neutral character.

Chapter VII.—Convoy.

Article 61.

Neutral vessels under national convoy are exempt from search. The commander of a convoy gives, in writing, at the request of the commander of a belligerent warship, all information as to the character of the vessels and their cargoes, which could be obtained by search.

Article 62.

If the commander of the belligerent warship has reason to suspect that the confidence of the commander of the convoy has been abused, he communicates his suspicions to him. In such a case it is for the commander of the convoy alone to investigate the matter. He must record the result of such investigation in a report, of which a copy is handed to the officer of the warship. If, in the opinion of the commander of the convoy, the facts shown in the report justify the capture of one or more vessels, the protection of the convoy must be withdrawn from such vessels.

Chapter VIII.—Resistance to search.

Article 63.

Forcible resistance to the legitimate exercise of the right of stoppage, search, and capture, involves in all cases the condemnation of the vessel. The cargo is liable to the same treatment as the cargo of an enemy vessel. Goods belonging to the master or owner of the vessel are treated as enemy goods.

Chapter IX.—Compensation.

Article 64.

If the capture of a vessel or of goods is not upheld by the prize court, or if the prize is released without any judgment being given, the parties interested have the right to compensation, unless there were good reasons for capturing the vessel or goods.

Final Provisions.

Article 65.

The provisions of the present Declaration must be treated as a whole, and cannot be separated.

Article 66.

The Signatory Powers undertake to insure the mutual observance of the rules contained in the present Declaration in any war in which all the belligerents are parties thereto. They will therefore issue the necessary instructions to their authorities and to their armed forces,

and will take such measures as may be required in order to insure that it will be applied by their courts, and more particularly by their prize courts.

ARTICLE 67.

The present Declaration shall be ratified as soon as possible.

The ratifications shall be deposited in London.

The first deposit of ratifications shall be recorded in a Protocol signed by the Representatives of the Powers taking part therein, and by His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the British Government, and accompanied by the instrument of ratification.

A duly certified copy of the Protocol relating to the first deposit of ratifications, and of the notifications mentioned in the preceding paragraph as well as of the instruments of ratification which accompany them, shall be immediately sent by the British Government, through the diplomatic channel, to the Signatory Powers. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

ARTICLE 68.

The present Declaration shall take effect, in the case of the Powers which were parties to the first deposit of ratifications, sixty days after the date of the Protocol recording such deposit, and, in the case of the Powers which shall ratify subsequently, sixty days after the notification of their ratification shall have been received by the British Government.

ARTICLE 69.

In the event of one of the Signatory Powers wishing to denounce the present Declaration, such denunciation can only be made to take effect at the end of a period of twelve years, beginning sixty days after the first deposit of ratifications, and, after that time, at the end of successive periods of six years, of which the first will begin at the end of the period of twelve years.

Such denunciation must be notified in writing, at least one year in advance, to the British Government, which shall inform all the other Powers.

It will only operate in respect of the denouncing Power.

ARTICLE 70.

The Powers represented at the London Naval Conference attach particular importance to the general recognition of the rules which they have adopted, and therefore express the hope that the Powers which were not represented there will accede to the present Declaration. They request the British Government to invite them to do so.

A Power which desires to accede shall notify its intention in writing to the British Government, and transmit simultaneously the

act of accession, which will be deposited in the archives of the said Government.

The said Government shall forthwith transmit to all the other Powers a duly certified copy of the notification, together with the act of accession, and communicate the date on which such notification was received. The accession takes effect sixty days after such date.

In respect of all matters concerning this Declaration, acceding Powers shall be on the same footing as the Signatory Powers.

ARTICLE 71.

The present Declaration, which bears the date of the 26th February, 1909, may be signed in London up till the 30th June, 1909, by the Plenipotentiaries of the Powers represented at the Naval Conference.

In faith whereof the Plenipotentiaries have signed the present Declaration, and have thereto affixed their seals.

Done at London, the twenty-sixth day of February, one thousand nine hundred and nine, in a single original, which shall remain deposited in the archives of the British Government, and of which duly certified copies shall be sent through the diplomatic channel to the Powers represented at the Naval Conference.

(Here follow the signatures.)

List of signatures appended to the Declaration of February 26, 1909, up to March 20, 1909.[a]

For Germany:	KRIEGE.
For the United States of America:	C. H. STOCKTON. GEORGE GRAFTON WILSON.
For Austria-Hungary:	C. DUMBA.
For France:	L. RENAULT.
For Great Britain:	DESART.
For the Netherlands:	J. A. ROELL. L. H. RUYSSENAERS.

No. 18.

GENERAL REPORT PRESENTED TO THE NAVAL CONFERENCE ON BEHALF OF ITS DRAFTING COMMITTEE.[b]

[Translation.] [c]

On the 27th February, 1908, the British Government addressed a circular to various powers inviting them to meet at a conference with the object of reaching an agreement as to the definition of the gener-

[a] Notification subsequently given of the signatures of the declaration: Spain, Italy, Russia, Japan.

[b] This committee consists of Messrs. Kriege (Germany), Wilson (United States of America), Dumba (Austria-Hungary), Estrada (Spain), Renault (France), Reporter, Hurst (Great Britain), Ricci-Busatti (Italy), Sakamoto (Japan), Ruyssenaers (Netherlands), Baron Taube (Russia).

[c] For the original French text of the report see Parliamentary Paper "Miscellaneous No. 5 (1909)," p. 344.

ally recognized principles of international law in the sense of article 7, paragraph 2, of the convention signed at The Hague on the 18th October, 1907, for the establishment of an international prize court. This agreement appeared necessary to the British Government on account of certain divergences of view which had become apparent at the second peace conference in connection with the settlement of various important questions of international maritime law in time of war. The existence of these divergent views might, it seemed, render difficult the acceptance of the international prize court, as the power of this court would be the more extended in proportion as the rules to be applied by it were more uncertain.

The British Government suggested that the following questions might form the program of the proposed conference, and invited the powers to express their views regarding them in preparatory memoranda:

(*a*) Contraband, including the circumstances under which particular articles can be considered as contraband; the penalties for their carriage; the immunity of a ship from search when under convoy; and the rules with regard to compensation where vessels have been seized, but have been found in fact only to be carrying innocent cargo.

(*b*) Blockade, including the questions as to the locality where seizure can be effected, and the notice that is necessary before a ship can be seized.

(*c*) The doctrine of continuous voyage in respect both of contraband and of blockade.

(*d*) The legality of the destruction of neutral vessels prior to their condemnation by a prize court.

(*e*) The rules as to neutral ships or persons rendering "unneutral service" ("assistance hostile").

(*f*) The legality of the conversion of a merchant vessel into a warship on the high seas.

(*g*) The rules as to the transfer of merchant vessels from a belligerent to a neutral flag during or in contemplation of hostilities.

(*h*) The question whether the nationality or the domicile of the owner should be adopted as the dominant factor in deciding whether property is enemy property.

The invitations were accepted, and the conference met on the 4th December last. The British Government had been so good as to assist its deliberations by presenting a collection of papers which quickly became known among us by the name of the Red Book, and which, after a short introduction, contains a "statement of the views expressed by the powers in their memoranda, and observations intended to serve as a basis for the deliberations of the conference." These are the "bases of discussion" which served as a starting point for the examination of the chief questions of existing international maritime law. The conference could not but express its gratitude for this valuable preparatory work, which was of great assistance to it. It made it possible to observe, in the first place, that the divergences in the practices and doctrines of the different countries were perhaps less wide than was generally believed, that the essential ideas were often the same in all countries, and that the methods of application alone varied with traditions or prejudices, with permanent or accidental interests. It was therefore possible to extract a common element which it could be agreed to recommend for uniform application. This is the end to which the efforts of the different delegations tended, and they vied with one another in their zeal in the search for the grounds of a common understanding. Their efforts were strenuous, as is shown by the prolonged discussions of the con-

ference, the grand committee, and the examining committees, and by the numerous proposals which were presented. Sailors, diplomatists, and jurists cordially cooperated in a work the description of which, rather than a final estimate of its essential value, is the object of this report, as our impartiality might naturally be suspected.

The body of rules contained in the declaration, which is the result of the deliberations of the naval conference, and which is to be entitled "Declaration Concerning the Laws of Naval War," answers well to the desire expressed by the British Government in its invitation of February, 1908. The questions in the program are all settled except two, with regard to which explanations will be given later. The solutions have been extracted from the various views or practices which prevail and represent what may be called the media sententia. They are not always in absolute agreement with the views peculiar to each country, but they shock the essential ideas of none. They must not be examined separately, but as a whole; otherwise there is a risk of the most serious misunderstandings. In fact, if one or more isolated rules are examined either from the belligerent or the neutral point of view, the reader may find that the interests with which he is especially concerned are jeopardized by the adoption of these rules. But they have another side. The work is one of compromise and mutual concessions. Is it, as a whole, a good one?

We confidently hope that those who study it seriously will answer that it is. The declaration puts uniformity and certainty in the place of the diversity and obscurity from which international relations have too long suffered. The conference has tried to reconcile in an equitable and practical way the rights of belligerents with those of neutral commerce; it consists of powers whose conditions, from the political, economic, and geographical points of view, vary considerably. There is therefore reason to suppose that the rules on which these powers have agreed to take sufficient account of the different interests involved, and hence may be accepted without objection by all the others.

The preamble of the declaration summarizes the general ideas just set forth.

> Having regard to the terms in which the British Government invited various powers to meet in conference in order to arrive at an agreement as to what are the generally recognized rules of international law within the meaning of article 7 of the convention of the 18th October, 1907, relative to the establishment of an international prize court.
>
> Recognizing all the advantages which an agreement as to the said rules would present in the unfortunate event of a naval war, both as regards peaceful commerce, and as regards the belligerents and their diplomatic relations with neutral governments.
>
> Having regard to the divergence often found in the methods by which it is sought to apply in practice the general principles of international law.
>
> Animated by the desire to insure henceforward a greater measure of uniformity in this respect.
>
> Hoping that a work so important to the common welfare will meet with general approval.

What is the scope of application of the rules thus laid down? They must be observed in the relations between the signatory parties, since those parties acknowledge them as principles of recognized international law and, besides, expressly bind themselves to secure the benefit of them for one another. The signatory powers who are or will be parties to the convention establishing the international

prize court will have, besides, an opportunity of having these rules applied to disputes in which they are concerned, whether the court regards them as generally recognized rules, or takes account of the pledge given to observe them. It is moreover to be hoped that these rules will before long be accepted by the majority of States, who will recognize the advantage of substituting exact provisions for more or less indefinite usages which tend to give rise to controversy.

It has been said above that two points in the program of the conference were not decided.

(1) The program mentions under head (*f*): The legality of the conversion of a merchant vessel into a warship on the high seas. The conflicting views on this subject which became apparent at the conference of The Hague in 1907, have recurred at the present conference. It may be concluded, both from the statements in the memoranda and from the discussion, that there is no generally accepted rule on this point, nor do there appear to be any precedents which can be adduced. Though the two opposite opinions were defended with great warmth, a lively desire for an understanding was expressed on all sides; everybody was at least agreed that it would be a great advantage to put an end to uncertainty. Serious efforts were made to do justice to the interests espoused by both sides, but these unfortunately failed. A subsidiary question dependent on the previous one, on which, at one moment it appeared possible to come to an agreement, is that of reconversion. According to one proposal it was to be laid down that "merchant vessels converted into warships can not be reconverted into merchant vessels during the whole course of the war." The rule was absolute and made no distinction as regards the place where reconversion could be effected; it was dictated by the idea that such conversion would always have disadvantages, would be productive of surprises, and lead to actual frauds. As unanimity in favor of this proposal was not forthcoming, a subsidiary one was brought forward, viz, "The conversion of a warship into a merchant vessel on the high seas is forbidden during the war." The case had in view was that a warship (generally a recently converted merchant vessel) doffing its character so as to be able freely to revictual or refit in a neutral port without being bound by the restrictions imposed on warships. Will not the position of the neutral State between two belligerents be delicate, and will not such State expose itself to reproach whether it treats the newly converted ship as a merchant vessel or as a warship? Agreement might perhaps have been reached on this proposal, but it seemed very difficult to deal with this secondary aspect of a question which there was no hope of settling as a whole. This was the decisive reason for the rejection of all proposals.

The question of conversion on the high seas and that of reconversion therefore remain open.

2. Under head (*h*) the British program mentions the question whether the nationality or the domicile of the owner should be adopted as the dominant factor in deciding whether property is enemy property. This question was subjected to a searching examination by a special committee, which had to acknowledge the uncertainty of actual practice; it was proposed to put an end to this by the following provisions:

The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy nationality of their owner, or, if he is of

no nationality or of double nationality (i. e., both neutral and enemy), by his domicile in a neutral or enemy country; provided that goods belonging to a limited liability or joint stock company are considered as neutral or enemy according as the company has its headquarters in a neutral country.

Unanimity not being forthcoming, these provisions remained without effect.

We now reach the explanation of the declaration itself, on which we shall try, by summarizing the reports already approved by the conference, to give an exact and uncontroversial commentary; this, when it has become an official commentary by receiving the approval of the conference, may serve as a guide to the different authorities—administrative, military, and judicial—who may be called on to apply it.

PRELIMINARY PROVISION.

The signatory powers are agreed that the rules contained in the following chapters correspond in substance with the generally recognized principles of international law.

This provision dominates all the rules which follow. Its spirit has been indicated in the general remarks to be found at the beginning of this report. The purpose of the conference has, above all, been to note, to define, and, where needful, to complete what might be considered as customary law.

Chapter I.—Blockade in Time of War.

Blockade is here regarded solely as an operation of war, and there is no intention of touching in any way on what is called "pacific" blockade.

Article 1.—A blockade must not extend beyond the ports and coasts belonging to or occupied by the enemy.

Blockade, as an operation of war, can be directed by a belligerent only against his adversary. This very simple rule is laid down at the start, but its full scope is apparent only when it is read in connection with article 18.

Art. 2. In accordance with the declaration of Paris of 1856, a blockade, in order to be binding, must be effective—that is to say, it must be maintained by a force sufficient really to prevent access to the enemy coast line.

The first condition necessary to render a blockade binding is that it should be effective. There has been universal agreement on this subject for a long time. As for the definition of an effective blockade, we thought that we had only to adopt the one to be found in the declaration of Paris of the 16th April, 1856, which, conventionally, binds a great number of States, and is in fact accepted by the rest.

Art. 3. The question whether a blockade is effective is a question of fact.

It is easily to be understood that difficulties often arise on the question whether a blockade is effective or not; opposing interests are at stake. The blockading belligerent wishes to economize his efforts, and neutrals desire their trade to be as little hampered as possible. Diplomatic protests have sometimes been made on this subject. The point may be a delicate one, because no absolute rule can be laid down as to the number and position of the blockading ships. All depends on matters of fact and geographical conditions.

In one case a single ship will suffice to blockade a port as effectively as possible, whereas in another a whole fleet may not be enough really to prevent access to one or more ports declared to be blockaded. It is therefore essentially a question of fact, to be decided on the merits of each case, and not according to a formula drawn up beforehand. Who shall decide it? The judicial authority. This will be, in the first place, the national tribunal which is called on to pronounce as to the validity of the prize and which the vessel captured for breach of blockade can ask to declare the capture void, because the blockade, not being effective, was not binding. This resort has always existed; it may not always have given satisfaction to the powers concerned, because they may have thought that the national tribunal was rather naturally led to consider effective the blockade declared to be so by its government. But when the international prize court convention comes into force there will be an absolutely impartial tribunal, to which neutrals may apply, and which will decide whether, in a given case, the blockade was effective or not. The possibility of this resort, besides allowing certain injustices to be redressed, will most likely have a preventive effect, in that a government will take care to establish its blockades in such a way that their effect can not be annulled by decisions which would inflict on it a heavy loss. The full scope of article 3 is thus seen when it is understood that the question with which it deals must be settled by a court. The foregoing explanation is inserted in the report at the request of the committee, in order to remove all possibility of misunderstanding.

ART. 4. A blockade is not regarded as raised if the blockading force is temporarily withdrawn on account of stress of weather.

It is not enough for a blockade to be established; it must be maintained. If it is raised it may be reestablished, but this requires the observance of the same formalities as though it were established for the first time. By tradition, a blockade is not regarded as raised when it is in consequence of stress of weather that the blockading forces are temporarily withdrawn. This is laid down in article 4. It must be considered limitative in the sense that stress of weather is the only form of compulsion which can be alleged. If the blockading forces were withdrawn for any other reason, the blockade would be regarded as raised, and, if it were resumed, articles 12 (last rule) and 13 would apply.

ART. 5. A blockade must be applied impartially to the ships of all nations.

Blockade, as an operation of lawful warfare, must be respected by neutrals in so far as it really remains an operation of war which has the object of interrupting all commercial relations with the blockaded port. It may not be made the means of allowing a belligerent to favor the vessels of certain nations by letting them pass. This is the point of article 5.

ART. 6. The commander of a blockading force may give permission to a warship to enter, and subsequently to leave, a blockaded port.

Does the prohibition which applies to all merchant vessels apply also to warships? No definite reply can be given. The commander of the blockading forces may think it useful to cut off all communication with the blockaded place and refuse access to neutral warships; no rule is imposed on him. If he lets them in, it is as a matter of

courtesy. If a rule has been drawn up merely to lay down this, it is in order that it may not be claimed that a blockade has ceased to be effective on account of leave granted to such and such neutral warships.

The blockading commander must act impartially, as stated in article 5. Nevertheless, the mere fact that he has let a warship pass does not oblige him to let pass all neutral warships which may come. It is question of judgment. The presence of a neutral warship in a blockaded port may not have the same consequences at all stages of the blockade, and the commander must be left free to judge whether he can be courteous without making any sacrifice of his military interests.

ART. 7. In circumstances of distress, acknowledged by an officer of the blockading force, a neutral vessel may enter a place under blockade, and subsequently leave it, provided that she has neither discharged nor shipped any cargo there.

Distress can explain the entrance of a neutral vessel into a blockaded place, for instance, if she is in want of food or water, or needs immediate repairs. As soon as her distress is acknowledged by an authority of the blockading force, she may cross the line of blockade; it is not a favor which she has to ask of the humanity or courtesy of the blockading authority. The latter may deny the state of distress but when once it is proved to exist, the consequence follows of itself. The vessel which has thus entered the blockaded port will not be obliged to remain there for the whole duration of the blockade; she may leave as soon as she is fit to do so, when she has obtained the food or water which she needs, or when she has been repaired. But the leave granted to her must not be made an excuse for commercial transactions; therefore she is forbidden to discharge or ship any cargo.

It is needless to say that a blockading squadron which insisted on preventing a vessel in distress from passing, might do so if she afforded her the help which she needed.

ART. 8. A blockade, in order to be binding, must be declared in accordance with article 9, and notified in accordance with articles 11 and 16.

Independently of the condition prescribed by the declaration of Paris that it must be effective, a blockade, to be binding, must be declared and notified. Article 8 confines itself to laying down the principle which is applied by the following articles.

To remove all possibility of misunderstanding it is enough to define clearly the meaning of these two expressions, which will frequently be used. The declaration of blockade is the act of the competent authority (a government or commander of a squadron) stating that a blockade is, or is about to be, established under conditions to be specified (art. 9). The notification is the fact of bringing the declaration of blockade to the knowledge of the neutral powers or of certain authorities (art. 11).

These two things—declaration and notification—will in most cases be done previously to the enforcement of the rules of blockade, that is to say, to the real prohibition of passage. Nevertheless, as we shall see later, it is sometimes possible for passage to be forbidden by the very fact of the blockade which is brought to the knowledge of a vessel approaching a blockaded port by means of a notification

which is special, whereas the notification which has just been defined, and which is spoken of in article 11, is of a general character.

ART. 9. A declaration of blockade is made either by the blockading power or by the naval authorities acting in its name.

It specifies—

(1) The date when the blockade begins.

(2) The geographical limits of the coast line under blockade.

(3) The period within which neutral vessels may come out.

The declaration of blockade in most cases emanates from the belligerent government itself. That government may have left the commander of its naval forces free himself to declare a blockade according to the circumstances. There will not, perhaps, be as much reason as formerly to give this discretion, because of the ease and rapidity of communication. This, being merely an internal question, matters little.

The declaration of blockade must specify certain points which it is in the interest of neutrals to know, in order to be aware of the extent of their obligations. The moment from which it is forbidden to communicate with the blockaded place must be exactly known. It is important, as affecting the obligations both of the blockading power and of neutrals, that there should be no uncertainty as to the places really blockaded. Finally, the custom has long been established of allowing neutral vessels which are in the blockaded port to leave it. This custom is here confirmed, in the sense that the blockading power must allow a period within which vessels may leave; the length of this period is not fixed, because it clearly depends on very varying circumstances, but it is understood that the period should be reasonable.

ART. 10. If the operations of the blockading power, or of the naval authorities acting in its name, do not tally with the particulars, which, in accordance with article 9 (1) and (2), must be inserted in the declaration of blockade, the declaration is void, and a new declaration is necessary in order to make the blockade operative.

The object of this article is to insure the observance of article 9. Supposing the declaration of blockade contains statements which do not tally with the actual facts; it states that the blockade began, or will begin, on such a day, whereas, in fact, it only began several days later. Its geographical limits are inaccurately given; they are wider than those within which the blockading forces are operating. What shall be the sanction? The nullity of the declaration of blockade, which prevents it from being operative. If then, in such a case, a neutral vessel is captured for breach of blockade, she can refer to the nullity of the declaration of blockade as a plea for the nullity of the capture; if her plea is rejected by the national tribunal, she can appeal to the international court.

To avoid misunderstandings, the significance of this provision must be noticed. The declaration states that the blockade begins on the 1st of February; it really only begins on the 8th. It is needless to say that the declaration had no effect from the 1st to the 8th, because at that time there was no blockade at all; the declaration states a fact, but does not take the place of one. The rule goes further: The declaration shall not even be operative from the 8th onward; it is definitely void, and another must be made.

There is no question here of cases where article 9 is disregarded by neglect to allow neutral vessels in the blockaded port time to

leave it. The sanction could not be the same. There is no reason to annul the declaration as regards neutral vessels wishing to enter the blockaded port. A special sanction is needed in that case, and it is provided by article 16, paragraph 2.

ART. 11. A declaration of blockade is notified—

(1) To neutral powers, by the blockading power by means of a communication addressed to the governments direct, or to their representatives accredited to it.

(2) To the local authorities, by the officer commanding the blockading force. The local authorities will, in turn, inform the foreign consular officers at the port or on the coast line under blockade as soon as possible.

A declaration of blockade is not valid unless notified. The observance of a rule can only be required by those who have the opportunity of knowing it.

Two notifications must be made:

1. The first is addressed to neutral powers by the belligerent power, which communicates it to the governments themselves or to their representatives accredited to it. The communication to the governments will in most cases be made through the diplomatic agents; it might happen that a belligerent had no diplomatic relations with a neutral country; he will then address itself, ordinarily by telegraph, directly to the government of that country. It is the duty of the neutral governments advised of the declaration of blockade to take the necessary measures to dispatch the news to the different parts of their territory, especially their ports.

2. The second notification is made by the commander of the blockading force to the local authorities. These must inform, as soon as possible, the foreign consuls residing at the blockaded place or on the blockaded coast line. These authorities would be responsible for the neglect of this obligation. Neutrals might suffer loss from the fact of not having been informed of the blockade in sufficient time.

ART. 12. The rules as to declaration and notification of blockade apply to cases where the limits of a blockade are extended, or where a blockade is reestablished after having been raised.

Supposing a blockade is extended beyond its original limits, as regards the new part, it is a new blockade and, in consequence, the rules as to declaration and notification must be applied to it. The same is true in cases where a blockade is reestablished after having been raised; the fact that a blockade has already existed in the same locality must not be taken into account.

ART. 13. The voluntary raising of a blockade, as also any restriction in the limits of a blockade, must be notified in the manner prescribed by article 11.

It is indispensable to know of the establishment of a blockade, it would at least be useful for the public to be told of its raising, since it puts an end to the restrictions imposed on the relations of neutrals with the blockaded port. It has therefore been thought fit to ask the power which raises a blockade to make known the fact in the form in which it has notified the establishment of the blockade. (Art. 11.) Only it must be observed that the sanction could not be the same in the two cases. To insure the notification of the declaration of blockade there is a direct and adequate sanction: an unnotified blockade is not binding. In the case of the raising there can be no parallel to this. The public will really gain by the raising, even

without being told of it officially. The blockading power which did not notify the raising would expose itself to diplomatic remonstrances on the ground of the nonfulfillment of an international duty. This nonfulfillment will have more or less serious consequences, according to circumstances. Sometimes the raising of the blockade will really have become known at once, and official notification would add nothing to this effective publicity.

It is needless to add that only the voluntary raising of a blockade is here in question; if the blockading force has been driven off by the arrival of enemy forces, it can not be held bound to make known its defeat, which its adversary will undertake to do without delay. Instead of raising a blockade, a belligerent may confine himself to restricting it; he only blockades one port instead of two. As regards the port which ceases to be included in the blockade, it is a case of voluntary raising, and consequently the same rule applies.

ART. 14. The liability of a neutral vessel to capture for breach of blockade is contingent on her knowledge, actual or presumptive, of the blockade.

For a vessel to be liable to capture for breach of blockade, the first condition is that she must be aware of the blockade, because it is not just to punish some one for breaking a rule which he does not know. Nevertheless, there are circumstances in which, even in the absence of proof of actual knowledge, knowledge may be presumed, the right of rebutting this presumption being always reserved to the party concerned. (Art. 15.)

ART. 15. Failing proof to the contrary, knowledge of the blockade is presumed if the vessel left a neutral port subsequently to the notification of the blockade to the power to which such port belongs, provided that such notification was made in sufficient time.

A vessel has left a neutral port subsequently to the notification of the blockade made to the powers to which the port belongs. Was this notification made in sufficient time; that is to say, so as to reach the port in question, where it had to be published by the port authorities? That is a question of fact to be examined. If it is settled affirmatively, it is natural to suppose that the vessel was aware of the blockade at the time of her departure. This presumption is not, however, absolute, and the right to adduce proof to the contrary is reserved. It is for the incriminated vessel to furnish it by showing that circumstances existed which explain her ignorance.

ART. 16. If a vessel approaching a blockaded port has no knowledge, actual or presumptive, of the blockade, the notification must be made to the vessel itself by an officer of one of the ships of the blockading force. This notification should be entered in the vessel's log book, and must state the day and hour and the geographical position of the vessel at the time.

If through the negligence of the officer commanding the blockading force no declaration of blockade has been notified to the local authorities, or if in the declaration, as notified, no period has been mentioned within which neutral vessels may come out, a neutral vessel coming out of the blockaded port must be allowed to pass free.

A vessel is supposed to be approaching a blockaded port without its being possible to tell whether she knows or is presumed to know of the existence of the blockade; no notification in the sense of article 11 has reached her. In that case a special notification is necessary in order that the vessel may be duly informed of the fact of the blockade. This notification is made to the vessel herself by an officer of

one of the war ships of the blockading force, and is entered on the vessel's log book. It may be made to the vessels of a convoyed fleet by a neutral war ship through the commander of the convoy, who acknowledges receipt of it and takes the necessary measures to have the notification entered on the log book of each vessel. The entry notes the time and place where it is made, and the names of the blockaded places. The vessel is prevented from passing, and the blockade is thus made binding for her, though not previously notified; this adverb is therefore omitted in article 8. It can not be admitted that a merchant vessel should claim to disregard a real blockade, and to break it for the sole reason that she was not personally aware of it. But, though she may be prevented from passing, she may only be captured when she tries to break blockade after receiving the notification. This special notification is seen to play a very small part, and must not be confused with the special notification absolutely insisted on by the practice of certain navies.

What has just been said refers to the vessel coming in. The vessel leaving the blockaded port must also be considered. If a regular notification of the blockade has been made to the local authorities (art. 11 (2)), the position is simple: the vessel is, or is presumed to be, aware of the blockade, and is therefore liable to capture in case she has not kept to the period for leaving allowed by the blockading power. But it may happen that no declaration of blockade has been notified to the local authorities, or that that declaration has contained no mention of the period allowed for leaving, in spite of the rule prescribed by article 9 (3). The sanction of the blockading power's offense is that the vessel must be allowed to go free. It is a strong sanction, which corresponds exactly with the nature of the offense committed, and will be the best means of preventing its commission.

It is needless to say that this provision only concerns vessels to which the period allowed for leaving would have been of use—that is to say, neutral vessels which were in the port at the time when the blockade was established; it has nothing to do with vessels which are in the port after having broken blockade.

The commander of the blockading squadron may always repair his omission or mistake, make a notification of the blockade to the local authorities, or complete that which he has already made.

As is seen from these explanations, the most ordinary case is assumed—that in which the absence of notification implies negligence on the part of the commander of the blockading forces. The situation is clearly altogether changed if the commander has done all in his power to make the notification, but has been prevented from doing so by lack of good will on the part of the local authorities, who have intercepted all communications from outside. In that case he can not be forced to let pass vessels which wish to leave, and which, in the absence of the prescribed notification and of presumptive knowledge of the blockade, are in a position similar to that contemplated in article 16, paragraph 1.

ART. 17. Neutral vessels may not be captured for breach of blockade except within the area of operations of the warships detailed to render the blockade effective.

The other condition of the liability of a vessel to capture is that she should be found within the area of operations of the warships detailed to make the blockade effective; it is not enough that she should be on her way to the blockaded port.

As for what constitutes the area of operations, an explanation has been given which has been universally accepted, and is quoted here as furnishing the best commentary on the rule laid down by article 17:

When a government decides to undertaking blockading operations against some part of the enemy coast it details a certain number of warships to take part in the blockade and intrusts the command to an officer whose duty is to use them for the purpose of making the blockade effective. The commander of the naval force thus formed posts the ships at his disposal according to the line of the coast and the geographical position of the blockaded places and instructs each ship as to the part which she has to play, and especially as to the zone which she is to watch. All the zones watched taken together, and so organized as to make the blockade effective, form the area of operations of the blockading naval force.

The area of operations so constituted is intimately connected with the effectiveness of the blockade and also with the number of ships employed on it.

Cases may occur in which a single ship will be enough to keep a blockade effective—for instance, at the entrance of a port or at the mouth of a river with a small estuary, so long as circumstances allow the blockading ship to stay near enough to the entrance. In that case the area of operations is itself near the coast. But, on the other hand, if circumstances force her to remain far off, one ship may not be enough to secure effectiveness, and to maintain this she will then have to be supported by others. From this cause the area of operations become wider and extends farther from the coast. It may therefore vary with circumstances and with the number of blockading ships, but it will always be limited by the condition that effectiveness must be assured.

It does not seem possible to fix the limits of the area of operations in definite figures any more than to fix beforehand and definitely the number of ships necessary to assure the effectiveness of any blockade. These points must be settled according to circumstances in each particular case of a blockade. This might perhaps be done at the time of making the declaration.

It is clear that a blockade will not be established in the same way on a defenseless coast as on one possessing all modern means of defense. In the latter case there could be no question of enforcing a rule such as that which formerly required that ships should be stationary and sufficiently close to the blockaded places; the position would be too dangerous for the ships of the blockading force, which, besides, now possess more powerful means of watching effectively a much wider zone than formerly.

The area of operations of a blockading naval force may be rather wide, but as it depends on the number of ships contributing to the effectiveness of the blockade and is always limited by the condition that it should be effective, it will never reach distant seas where merchant vessels sail which are, perhaps, making for the blockaded ports, but whose destination is contingent on the changes which circumstances may produce in the blockade during their voyage. To sum up, the idea of the area of operations joined with that of effectiveness, as we have tried to define it—that is to say, including the zone of operations of the blockading forces—allows the belligerent effectively to exercise the right of blockade, which he admittedly possesses, and, on the other hand, saves neutrals from exposure to the drawbacks of blockade at a great distance, while it leaves them free to run the risk which they knowingly incur by approaching points to which access is forbidden by the belligerent.

ART. 18. The blockading forces must not bar access to neutral ports or coasts.

This rule has been thought necessary the better to protect the commercial interests of neutral countries; it completes article 1, according to which a blockade must not extend beyond the ports and coasts of the enemy, which implies that, as it is an operation of war, it must not be directed against a neutral port, in spite of the importance to a belligerent of the part played by that neutral port in supplying his adversary.

ART. 19. Whatever may be the ulterior destination of a vessel or of her cargo, she can not be captured for breach of blockade if, at the moment, she is on her way to a nonblockaded port.

It is the true destination of the vessel which must be considered when a breach of blockade is in question, and not the ulterior destination of the cargo. Proof or presumption of the latter is therefore not enough to justify the capture, for breach of blockade, of a ship actually bound for an unblockaded port. But the cruiser might always prove that this destination to an unblockaded port is only apparent, and that in reality the immediate destination of the vessel is the blockaded port.

ART. 20. A vessel which has broken blockade outward, or which has attempted to break blockade inward, is liable to capture so long as she is pursued by a ship of the blockading force. If the pursuit is abandoned or if the blockade is raised, her capture can no longer be effected.

A vessel has left the blockaded port or has tried to enter it. Shall she remain indefinitely liable to capture? To reply by an absolute affirmative would be to go too far. This vessel must remain liable to capture so long as she is pursued by a ship of the blockading force; it would not be enough for her to be encountered by a cruiser of the blockading enemy which did not belong to the blockading squadron. The question whether or not the pursuit is abandoned is one of fact; it is not enough that the vessel should take refuge in a neutral port. The ship which is pursuing her can wait till she leaves it, so that the pursuit is necessarily suspended, but not abandoned. Capture is no longer possible when the blockade has been raised.

ART. 21. A vessel found guilty of breach of blockade is liable to condemnation. The cargo is also condemned unless it is proved that at the time of the shipment of the goods the shipper neither knew nor could have known of the intention to break the blockade.

The vessel is condemned in all cases. The cargo is also condemned on principle, but the interested party is allowed to oppose a plea of good faith; that is to say, to prove that when the goods were shipped the shipper did not know and could not have known of the intention to break the blockade.

CHAPTER II.—CONTRABAND OF WAR.

This chapter is one of the most, if not the most, important of the declaration. It deals with a matter which has sometimes given rise to serious disputes between belligerents and neutrals. Therefore regulations to establish exactly the rights and duties of each have often been urgently called for. Peaceful trade may be grateful for the precision with which a subject of the highest importance to its interests is now for the first time treated.

The notion of contraband of war connotes two elements: It concerns objects of a certain kind and with a certain destination. Cannons, for instance, are carried in a neutral vessel. Are they contraband? That depends; if they are destined for a neutral government, no; if they are destined for an enemy government, yes. The trade in certain articles is by no means generally forbidden during war; it is the trade with the enemy in these articles which is illicit, and against which the belligerent to whose detriment it is carried on may protect himself by the measures allowed by international law.

Articles 22 and 24 enumerate the articles which may be contraband of war, and which are so in fact when they have a certain destination laid down in articles 30 and 33. The traditional distinction between absolute and conditional contraband is maintained. Articles 22 and 30 refer to the former, and articles 24 and 33 to the latter.

ART. 22. The following articles may, without notice,[a] be treated as contraband of war, under the name of absolute contraband:

(1) Arms of all kinds, including arms for sporting purposes, and their distinctive component parts.

(2) Projectiles, charges, and cartridges of all kinds, and their distinctive component parts.

(3) Powder and explosives specially prepared for use in war.

(4) Gun mountings, limber boxes, limbers, military wagons, field forges, and their distinctive component parts.

(5) Clothing and equipment of a distinctively military character.

(6) All kinds of harness of a distinctively military character.

(7) Saddle, draft, and pack animals suitable for use in war.

(8) Articles of camp equipment, and their distinctive component parts.

(9) Armor plates.

(10) Warships, including boats and their distinctive component parts of such a nature that they can only be used on a vessel of war.

(11) Implements and apparatus designed exclusively for the manufacture of munitions of war, for the manufacture or repair of arms, or war material for use on land or sea.

This list is that drawn up at the second peace conference by the committee charged with the special study of the question of contraband. It was the result of mutual concessions, and it has not seemed wise to reopen the discussion on this subject for the purpose either of cutting out or of adding articles.

The words "de plein droit" (without notice) imply that the provision becomes operative by the mere fact of the war, and that no declaration by the belligerents is necessary. Trade is already warned in time of peace.

ART. 23. Articles exclusively used for war may be added to the list of absolute contraband by a declaration, which must be notified.

Such notification must be addressed to the governments of other powers, or to their representatives accredited to the power making the declaration. A notification made after the outbreak of hostilities is addressed only to neutral powers.

Certain discoveries or inventions might make the list in article 22 insufficient. An addition may be made to it on condition that it concerns articles exclusively used for war. This addition must be notified to the other powers, which will take the necessary measures to inform their subjects of it. In theory the notification may be made in time of peace or of war. The former case will doubtless rarely occur, because a state which made such a notification might be suspected of meditating a war; it would, nevertheless, have the advantage of informing trade beforehand. There was no reason for making it impossible.

The right given to a power to make an addition to the list by a mere declaration has been thought too wide. It should be noticed that this right does not involve the dangers supposed. In the first place, it is understood that the declaration is only operative for the

[a] In view of the difficulty of finding an exact equivalent in English for the expression "de plein droit," it has been decided to translate it by the words "without notice," which represent the meaning attached to it by the draftsman of the present General Report (see next page).

power which makes it, in the sense that the article added will only be contraband for it, as a belligerent: other states may, of course, also make a similar declaration. The addition may only refer to articles exclusively used for war; at present it would be hard to mention any such articles which are not included in the list. The future is left free. If a power claimed to add to the list of absolute contraband articles not exclusively used for war, it might expose itself to diplomatic remonstrances, because it would be disregarding an accepted rule. Besides, there would be an eventual resort to the international prize court. Suppose that the court holds that the article mentioned in the declaration of absolute contraband is wrongly placed there because it is not exclusively used for war, but that it might have been included in a declaration of conditional contraband. Confiscation may then be justified if the capture was made in the conditions laid down for this kind of contraband (arts. 33–35) which differ from those enforced for absolute contraband (art. 30).

It had been suggested that, in the interest of neutral trade, a period should lapse between the notification and its enforcement. But that would be very damaging to the belligerent, whose object is precisely to protect himself, since, during that period, the trade in articles which he thinks dangerous would be free and the effect of his measure a failure. Account has been taken, in another form, of the considerations of equity which have been adduced (see art. 43).

ART. 24. The following articles, susceptible of use in war as well as for purposes of peace, may, without notice,[a] be treated as contraband of war, under the name of conditional contraband:

(1) Foodstuffs.
(2) Forage and grain, suitable for feeding animals.
(3) Clothing, fabrics for clothing, and boots and shoes, suitable for use in war.
(4) Gold and silver in coin or bullion; paper money.
(5) Vehicles of all kinds available for use in war, and their component parts.
(6) Vessels, craft, and boats of all kinds; floating docks, parts of docks, and their component parts.
(7) Railway material, both fixed and rolling stock, and material for telegraphs, wireless telegraphs, and telephones.
(8) Balloons and flying machines and their distinctive component parts, together with accessories and articles recognizable as intended for use in connection with balloons and flying machines.
(9) Fuel; lubricants.
(10) Powder and explosives not specially prepared for use in war.
(11) Barbed wire and implements for fixing and cutting the same.
(12) Horseshoes and shoeing materials.
(13) Harness and saddlery.
(14) Field glasses, telescopes, chronometers, and all kinds of nautical instruments.

On the expression "de plein droit" (without notice) the same remark must be made as with regard to article 22. The articles enumerated are only conditional contraband if they have the destination specified in article 33.

Foodstuffs include products necessary or useful for sustaining man, whether solid or liquid.

Paper money only includes inconvertible paper money, i. e., bank notes which may or not be legal tender. Bills of exchange and checks are excluded.

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[a] See note to art. 22.

Engines and boilers are included in (6).

Railway material includes fixtures (such as rails, sleepers, turntables, parts of bridges), and rolling stock (such as locomotives, carriages, and trucks).

ART. 25. Articles susceptible of use in war as well as for purposes of peace, other than those enumerated in articles 22 and 24, may be added to the list of conditional contraband by a declaration, which must be notified in the manner provided for in the second paragraph of article 23.

This provision corresponds, as regards conditional contraband, to that in article 23 as regards absolute contraband.

ART. 26. If a power waives, so far as it is concerned, the right to treat as contraband of war an article comprised in any of the classes enumerated in articles 22 and 24, such intention shall be announced by a declaration, which must be notified in the manner provided for in the second paragraph of article 23.

A belligerent may not wish to use the right to treat as contraband of war all the articles included in the above lists. It may suit him to add to conditional contraband an article included in absolute contraband or to declare free, so far as he is concerned, the trade in some article included in one class or the other. It is desirable that he should make known his intention on this subject, and he will probably do so in order to have the credit of the measure. If he does not do so, but confines himself to giving instructions to his cruisers, the vessels searched will be agreeably surprised if the searcher does not reproach them with carrying what they themselves consider contraband. Nothing can prevent a power from making such a declaration in time of peace. See what is said as regards article 23.

ART. 27. Articles which are not susceptible of use in war may not be declared contraband of war.

The existence of a so-called free list (art. 28) makes it useful thus to put on record that articles which can not be used for purposes of war may not be declared contraband of war. It might have been thought that articles not included in that list might at least be declared conditional contraband.

ART. 28. The following may not be declared contraband of war:

(1) Raw cotton, wool, silk, jute, flax, hemp, and other raw materials of the textile industries, and yarns of the same.

(2) Oil seeds and nuts; copra.

(3) Rubber, resins, gums, and lacs; hops.

(4) Raw hides and horns, bones, and ivory.

(5) Natural and artificial manures, including nitrates and phosphates for agricultural purposes.

(6) Metallic ores.

(7) Earths, clays, lime, chalk; stone, including marble, bricks, slates, and tiles.

(8) Chinaware and glass.

(9) Paper and paper-making materials.

(10) Soap, paint and colors, including articles exclusively used in their manufacture, and varnish.

(11) Bleaching powder, soda ash, caustic soda, salt cake, ammonia, sulphate of ammonia, and sulphate of copper.

(12) Agricultural, mining, textile, and printing machinery.

(13) Precious and semiprecious stones, pearls, mother-of-pearl, and coral.

(14) Clocks and watches, other than chronometers.

(15) Fashion and fancy goods.

(16) Feathers of all kinds, hairs, and bristles.

(17) Articles of household furniture and decoration; office furniture and requisites

To lessen the drawbacks of war as regards neutral trade it has been thought useful to draw up this so-called free list, but this does not mean, as has been explained above, that all articles outside it might be declared contraband of war.

The ores here referred to are the product of mines from which metals are derived.

There was a demand that dyestuffs should be included in (10), but this seemed too general, for there are materials from which colors are derived, such as coal, which also have other uses. Products only used for making colors enjoy the exemption.

"Articles de Paris," an expression the meaning of which is universally understood, come under (15).

(16) refers to the hair of certain animals, such as pigs and wild boars.

Carpets and mats come under household furniture and ornaments (17).

ART. 29. Likewise the following may not be treated as contraband of war:

(1) Articles serving exclusively to aid the sick and wounded. They can, however, in case of urgent military necessity and subject to the payment of compensation, be requisitioned, if their destination is that specified in article 30.

(2) Articles intended for the use of the vessel in which they are found, as well as those intended for the use of her crew and passengers during the voyage.

The articles enumerated in article 29 are also excluded from treatment as contraband, but for reasons different from those which have led to the inclusion of the list in article 28.

Motives of humanity have exempted articles exclusively used to aid the sick and wounded, which, of course, include drugs and different medicines. This does not refer to hospital ships, which enjoy special immunity under the convention of The Hague of the 18th October, 1907, but to ordinary merchant vessels, whose cargo includes articles of the kind mentioned. The cruiser has, however, the right, in case of urgent necessity, to requisition such articles for the needs of her crew or of the fleet to which she belongs, but they can only be requisitioned on payment of compensation. It must, however, be observed that this right of requisition may not be exercised in all cases. The articles in question must have the destination specified in article 30—that is to say, an enemy destination. Otherwise, the ordinary law regains its sway; a belligerent could not have the right of requisition as regards neutral vessels on the high seas.

Articles intended for the use of the vessel, which might in themselves and by their nature be contraband of war, may not be so treated; for instance, arms intended for the defense of the vessel against pirates or for making signals. The same is true of articles intended for the use of the crew and passengers during the voyage; the crew here includes all persons in the service of the vessel in general.

Destination of contraband.—As has been said, the second element in the notion of contraband is destination. Great difficulties have arisen on this subject, which find expression in the theory of continuous voyage, so often attacked or adduced without a clear comprehension of its exact meaning. Cases must simply be considered on their merits so as to see how they can be settled without unnecessarily annoying neutrals or sacrificing the legitimate rights of belligerents.

In order to effect a compromise between conflicting theories and practices, absolute and conditional contraband have been differently treated in this connection.

Articles 30 to 32 refer to absolute, and articles 33 to 36 to conditional contraband.

ART. 30. Absolute contraband is liable to capture if it is shown to be destined to territory belonging to or occupied by the enemy, or to the armed forces of the enemy. It is immaterial whether the carriage of the goods is direct or entails transshipment or a subsequent transport by land.

The articles included in the list in article 22 are absolute contraband when they are destined for territory belonging to or occupied by the enemy, or for his armed military or naval forces. These articles are liable to capture as soon as a final destination of this kind can be shown by the captor to exist. It is not, therefore, the destination of the vessel which is decisive, but that of the goods. It makes no difference if these goods are on board a vessel which is to discharge them in a neutral port; as soon as the captor is able to show that they are to be forwarded from there by land or sea to an enemy country it is enough to justify the capture and subsequent condemnation of the cargo. The very principle of continuous voyage, as regards absolute contraband, is established by article 30. The journey made by the goods is regarded as a whole.

ART. 31. Proof of the destination specified in article 30 is complete in the following cases:

(1) When the goods are documented for discharge in an enemy port, or for delivery to the armed forces of the enemy.

(2) When the vessel is to call at enemy ports only, or when she is to touch at an enemy port or meet the armed forces of the enemy before reaching the neutral port for which the goods in question are documented.

As has been said, the obligation of proving that the contraband goods really have the destination specified in article 30 rests with the captor. In certain cases proof of the destination specified in article 31 is conclusive; that is to say, the proof may not be rebutted.

First case.—The goods are documented for discharge in an enemy port; that is to say, according to the ship's papers referring to those goods, they are to be discharged there. In this case there is a real admission of enemy destination on the part of the interested parties themselves.

Second case.—The vessel is to touch at enemy ports only, or she is to touch at an enemy port before reaching the neutral port for which the goods are documented, so that although these goods, according to the papers referring to them, are to be discharged in a neutral port, the vessel carrying them is to touch at an enemy port before reaching that neutral port. They will be liable to capture, and the possibility of proving that their neutral destination is real and in accordance with the intentions of the parties interested is not admitted. The fact that before reaching that destination the vessel will touch at an enemy port would occasion too great a risk for the belligerent whose cruiser searches the vessel. Even without assuming that there is intentional fraud, there might be a strong temptation for the master of the merchant vessel to discharge the contraband, for which he would get a good price, and for the local authorities to requisition the goods.

The same case arises where the vessel, before reaching the neutral port, is to join the armed forces of the enemy.

For the sake of simplicity, the provision only speaks of an enemy port, but it is understood that a port occupied by the enemy must be regarded as an enemy port, as follows from the general rule in article 30.

ART. 32. Where a vessel is carrying absolute contraband, her papers are conclusive proof as to the voyage on which she is engaged, unless she is found clearly out of the course indicated by her papers and unable to give adequate reasons to justify such deviation.

The papers therefore are conclusive proof of the course of the vessel, unless she is encountered in circumstances which show that their statements are not to be trusted. See also the explanations given as regards article 35.

ART. 33. Conditional contraband is liable to capture if it is shown to be destined for the use of the armed forces or of a government department of the enemy state, unless in this latter case the circumstances show that the goods can not in fact be used for the purposes of the war in progress. This latter exception does not apply to a consignment coming under article 24 (4).

The rules for conditional contraband differ from those laid down for absolute contraband in two respects: (1) There is no question of destination for the enemy in general, but of destination for the use of his armed forces or government departments; (2) the doctrine of continuous voyage is excluded. Articles 33 and 34 refer to the first and article 35 to the second principle.

The articles included in the list of conditional contraband may serve for peaceful uses as well as for hostile purposes. If from the circumstances the peaceful purpose is clear, their capture is not justified; it is otherwise if a hostile purpose is to be assumed, as, for instance, in the case of foodstuffs destined for an enemy army or fleet, or of coal destined for an enemy fleet. In such a case there is clearly no room for doubt. But what is the solution when the articles are destined for the civil government departments of the enemy state? It may be money sent to a government department for use in the payment of its official salaries, or rails sent to a department of public works. In these cases there is enemy destination which renders the goods liable in the first place to capture and in the second to condemnation. The reasons for this are at once legal and practical. The state is one, although it necessarily acts through different departments. If a civil department may freely receive foodstuffs or money, that department is not the only gainer, but the entire state, including its military administration, gains also, since the general resources of the state are thereby increased. Further, the receipts of a civil department may be considered of greater use to the military administration and directly assigned to the latter. Money or foodstuffs really destined for a civil department may thus come to be used directly for the needs of the army. This possibility, which is always present, shows why destination for the departments of the enemy state is assimilated to that for its armed forces.

It is the departments of the state which are dependent on the central power that are in question and not all the departments which may exist in the enemy state; local and municipal bodies, for instance, are not included, and articles destined for their use would not be contraband.

War may be waged in such circumstances that destination for the use of a civil department can not be suspect, and consequently can

not make goods contraband. For instance, there is a war in Europe, and the colonies of the belligerent countries are not in fact affected by it. Foodstuffs or other articles in the list of conditional contraband destined for the use of the civil government of a colony would not be held to be contraband of war, because the considerations adduced above do not apply to their case; the resources of the civil government can not be drawn on for the needs of the war. Gold, silver, or paper money are exceptions, because a sum of money can easily be sent from one end of the world to the other.

ART. 34. The destination referred to in article 33 is presumed to exist if the goods are consigned to enemy authorities, or to a contractor established in the enemy country, who, as a matter of common knowledge, supplies articles of this kind to the enemy. A similar presumption arises if the goods are consigned to a fortified place belonging to the enemy, or other place serving as a base for the armed forces of the enemy. No such presumption, however, arises in the case of a merchant vessel bound for one of these places if it is sought to prove that she herself is contraband.

In cases where the above presumptions do not arise, the destination is presumed to be innocent.

The presumptions set up by this article may be rebutted.

Contraband articles will not usually be directly addressed to the military authorities or to the government departments of the enemy state. Their true destination will be more or less concealed, and the captor must prove it in order to justify their capture. But it has been thought reasonable to set up presumptions based on the nature of the person to whom, or place for which, the articles are destined. It may be an enemy authority or a trader established in an enemy country who, as a matter of common knowledge, supplies the enemy government with articles of the kind in question. It may be a fortified place belonging to the enemy or a place used as a base, whether of operations or of supply, for the armed forces of the enemy.

This general presumption may not be applied to the merchant vessel herself on her way to a fortified place, though she may in herself be conditional contraband, but only if her destination for the use of the armed forces or government departments of the enemy state is directly proved.

In the absence of the above presumptions, the destination is presumed to be innocent. That is the ordinary law, according to which the captor must prove the illicit character of the goods which he claims to capture.

Finally, all the presumptions thus set up in the interest of the captor or against him may be rebutted. The national tribunals, in the first place, and, in the second, the international court, will exercise their judgment.

ART. 35. Conditional contraband is not liable to capture, except when found on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged in an intervening neutral port.

The ship's papers are conclusive proof both as to the voyage on which the vessel is engaged and as to the port of discharge of the goods, unless she is found clearly out of the course indicated by her papers, and unable to give adequate reasons to justify such deviation.

As has been said above, the doctrine of continuous voyage is excluded for conditional contraband, which is only liable to capture when it is to be discharged in an enemy port. As soon as the goods are documented for discharge in a neutral port they can no longer

be contraband, and no examination will be made as to whether they are to be forwarded to the enemy by sea or land from that neutral port. It is here that the case of absolute contraband is essentially different.

The ship's papers furnish complete proof as to the voyage on which the vessel is engaged and as to the place where the cargo is to be discharged; but this would not be so if the vessel were encountered clearly out of the course which she should follow according to her papers, and unable to give adequate reasons to justify such deviation.

This rule as to the proof furnished by the ship's papers is intended to prevent claims frivolously raised by a cruiser and giving rise to unjustifiable captures. It must not be too literally interpreted, for that would make all frauds easy. Thus it does not hold good when the vessel is encountered at sea clearly out of the course which she ought to have followed, and unable to justify such deviation. The ship's papers are then in contradiction with the true facts and lose all value as evidence; the cruiser will be free to decide according to the merits of the case. In the same way, a search of the vessel may reveal facts which irrefutably prove that her destination or the place where the goods are to be discharged is incorrectly entered in the ship's papers. The commander of the cruiser is then free to judge of the circumstances and capture the vessel or not according to his judgment. To resume, the ship's papers are proof, unless facts show their evidence to be false. This qualification of the value of the ship's papers as proof seems self-evident and unworthy of special mention. The aim has been not to appear to weaken the force of the general rule, which forms a safeguard for neutral trade.

It does not follow that because a single entry in the ship's papers is shown to be false their evidence loses its value as a whole. The entries which can not be proved false retain their value.

ART. 36. Notwithstanding the provisions of article 35, conditional contraband, if shown to have the destination referred to in article 33, is liable to capture in cases where the enemy country has no seaboard.

The case contemplated is certainly rare, but has nevertheless arisen in recent wars. In the case of absolute contraband, there is no difficulty, since destination for the enemy may always be proved, whatever the route by which the goods are sent (art. 30). For conditional contraband the case is different, and an exception must be made to the general rule laid down in article 35, paragraph 1, so as to allow the captor to prove that the suspected goods really have the special destination referred to in article 33 without the possibility of being confronted by the objection that they were to be discharged in a neutral port.

ART. 37. A vessel carrying goods liable to capture as absolute or conditional contraband may be captured on the high seas or in the territorial waters of the belligerents throughout the whole of her voyage, even if she is to touch at a port of call before reaching the hostile destination.

The vessel may be captured for contraband during the whole of her voyage, provided that she is in waters where an act of war is lawful. The fact that she intends to touch at a port of call before reaching the enemy destination does not prevent capture, provided that destination in her particular case is proved in conformity with the rules laid down in articles 30 to 32 for absolute, and in articles

33 to 35 for conditional contraband, subject to the exception provided for in article 36.

ART. 38. A vessel may not be captured on the ground that she has carried contraband on a previous occasion if such carriage is in point of fact at an end.

A vessel is liable to capture for carrying contraband, but not for having done so.

ART. 39. Contraband goods are liable to condemnation.

This presents no difficulty.

ART. 40. A vessel carrying contraband may be condemned if the contraband, reckoned either by value, weight, volume, or freight, forms more than half the cargo.

It was universally admitted that in certain cases the condemnation of the contraband is not enough, and that the vessel herself should also be condemned, but opinions differed as to what these cases were. It was decided that the contraband must bear a certain proportion to the total cargo. But the question divides itself into two parts: (1) What shall be the proportion? The solution adopted is the mean between those proposed, which varied from a quarter to three-quarters. (2) How shall this proportion be reckoned? Must the contraband form more than half the cargo in volume, weight, value, or freight? The adoption of a single fixed standard gives rise to theoretical objections, and also to practices intended to avoid condemnation of the vessel in spite of the importance of the cargo. If the standard of volume or weight is adopted, the master will ship innocent goods, occupying space, or of weight, sufficient to exceed the contraband. A similar remark may be made as regards the standard of value or freight. The consequence is that in order to justify condemnation, it is enough that the contraband should form more than half the cargo by any one of the above standards. This may seem harsh; but, on the one hand, any other system would make fraudulent calculations easy, and, on the other, the condemnation of the vessel may be said to be justified when the carriage of contraband formed an important part of her venture—a statement which applies to all the cases specified.

ART. 41. If a vessel carrying contraband is released, she may be condemned to pay the costs and expenses incurred by the captor in respect of the proceedings in the national prize court and the custody of the ship and cargo during the proceedings.

It is not just that, on the one hand, the carriage of more than a certain proportion of contraband should involve the condemnation of the vessel, while if the contraband forms less than this proportion, it alone is confiscated. This often involves no loss for the master, the freight of this contraband having been paid in advance. Does this not encourage trade in contraband, and ought not a certain penalty to be imposed for the carriage of a proportion of contraband less than that required to entail condemnation? A kind of fine was proposed which should bear a relation to the value of the contraband articles. Objections of various sorts were brought forward against this proposal, although the principle of the infliction of some kind of pecuniary loss for the carriage of contraband seemed justified. The same object was attained in another way by providing that the costs and expenses incurred by the captor in respect of the pro-

ceedings in the national prize court and of the custody of the vessel and of her cargo during the proceedings are to be paid by the vessel. The expenses of the custody of the vessel include in this case the keep of the captured vessel's crew. It should be added that the loss to a vessel by being taken to a prize port and kept there is the most serious deterrent as regards the carriage of contraband.

ART. 42. Goods which belong to the owner of the contraband and are on board the same vessel are liable to condemnation.

The owner of the contraband is punished in the first place by the condemnation of his contraband property; and in the second by that of the goods, even if innocent, which he may possess on board the same vessel.

ART. 43. If a vessel is encountered at sea while unaware of the outbreak of hostillities or of the declaration of contraband which applies to her cargo, the contraband can not be condemned except on payment of compensation; the vessel herself and the remainder of the cargo are not liable to condemnation or to the costs and expenses referred to in article 41. The same rule applies if the master, after becoming aware of the outbreak of hostilities, or of the declaration of contraband, has had no opportunity of discharging the contraband.

A vessel is deemed to be aware of the existence of a state of war, or of a declaration of contraband, if she left a neutral port subsequently to the notification to the power to which such port belongs of the outbreak of hostilities, or of the declaration of contraband, provided such notification was made in sufficient time. A vessel is also deemed to be aware of the existence of a state of war if she left an enemy port after the outbreak of hostilities.

This provision is intended to spare neutrals who might in fact be carrying contraband, but against whom no charge could be made. This may arise in two cases: The first is that in which they are unaware of the outbreak of hostilities; the second is that in which, though aware of this, they do not know of the declaration of contraband made by a belligerent, in accordance with articles 23 and 25, which is, as it happens, the one applicable to the whole or a part of the cargo. It would be unjust to capture the ship and condemn the contraband; on the other hand, the cruiser can not be obligated to let go on to the enemy goods suitable for use in the war of which he man stand in urgent need. These opposing interests are reconciled by making condemnation conditional on the payment of compensation. (See the convention of the 18th October, 1907, on the rules for enemy merchant vessels on the outbreak of hostilities, which expresses a similar idea.)

ART. 44. A vessel which has been stopped on the ground that she is carrying contraband, and which is not liable to condemnation on account of the proportion of contraband on board, may, when the circumstances permit, be allowed to continue her voyage if the master is willing to hand over the contraband to the belligerent warship.

The delivery of the contraband must be entered by the captor on the logbook of the vessel stopped, and the master must give the captor duly certified copies of all relevant papers.

The captor is at liberty to destroy the contraband that has been handed over to him under these conditions.

A neutral vessel is stopped for carrying contraband. She is not liable to condemnation, because the contraband does not reach the proportion specified in article 40. She can, nevertheless, be taken to a prize port for judgment to be passed on the contraband. This right of the captor appears too wide in certain cases, if the importance of the contraband, possibly slight (for instance, a case of guns or

revolvers), is compared with the heavy loss incurred by the vessel by being thus turned out of her course and detained during the time taken up by the proceedings. The question has, therefore, been asked whether the right of the neutral vessel to continue her voyage might not be admitted if the contraband articles were handed over to the captor, who, on his part, might only refuse to receive them for sufficient reasons, for instance, the rough state of the sea, which would make transshipment difficult or impossible, well-founded suspicions as to the amount of contraband which the merchant vessel is really carrying, the difficulty of stowing the articles on board the warship, etc. This proposal did not gain sufficient support. It was alleged to be impossible to impose such an obligation on the cruiser, for which this handing over of goods would almost always have drawbacks. If, by chance, it has none, the cruiser will not refuse it, because she herself will gain by not being turned out of her course by having to take the vessel to a port. The idea of an obligation having thus been excluded, it was decided to provide for the voluntary handing over the contraband, which, it is hoped, will be carried out whenever possible, to the great advantage of both parties. The formalities provided for are very simple and need no explanation.

There must be a judgment of a prize court as regards the goods thus handed over. For this purpose the captor must be furnished with the necessary papers. It may be supposed that there might be doubt as to the character of certain articles which cruiser claims as contraband; the master of the merchant vessel contests this claim, but prefers to deliver them up so as to be at liberty to continue his voyage. This is merely a capture which has to be confirmed by the prize court.

The contraband delivered up by the merchant vessel may hamper the cruiser, which must be left free to destroy it at the moment of handing over, or later.

Chapter III.—Unneutral Service.

In a general way, it may be said that the merchant vessel which violates neutrality, whether by carrying contraband of war or by breaking blockade, affords aid to the enemy, and it is on this ground that the belligerent whom she injures by her acts is justified in inflicting on her certain losses. But there are cases where such unneutral service bears a particularly distinctive character, and for such cases it has been thought necessary to make special provision. They have been divided into two classes according to the gravity of the act of which the neutral vessel is accused.

In the cases included in the first class (art. 45), the vessel is condemned, and receives the treatment of a vessel subject to condemnation for carrying contraband. This means that the vessel does not lose her neutral character and has a full claim to the rights enjoyed by neutral vessels; for instance, she may not be destroyed by the captor except under the conditions laid down for neutral vessels (arts. 48 et seq.); the rule that the flag covers the goods applies to goods she carries on board.

In the more serious cases which belong to the second class (art. 46), the vessel is again condemned; but further, she is treated not only as a vessel subject to condemnation for carrying contraband, but as an enemy merchant vessel, which treatment entails certain consequences. The rules governing the destruction of neutral prizes does

not apply to the vessel, and as she has become an enemy vessel, it is no longer the second but the third rule of the declaration of Paris which is applicable. The goods on board will be presumed to be enemy goods; neutrals will have the right to claim their property on establishing their neutrality (art. 59). It would, however, be going too far to say that the original neutral character of the vessel is completely lost, so that she should be treated as though she had always been an enemy vessel. The vessel may plead that the allegation made against her has no foundation in fact, that the act of which she is accused has not the character of unneutral service. She has, therefore, the right of appeal to the international court in virtue of the provisions which protect neutral property.

ART. 45. A neutral vessel will be condemned and will, in a general way, receive the same treatment as a neutral vessel liable to condemnation for carriage of contraband—

(1) If she is on a voyage specially undertaken with a view to the transport of individual passengers who are embodied in the armed forces of the enemy, or with a view to the transmission of intelligence in the interest of the enemy.

(2) If, to the knowledge of either the owner, the charterer, or the master, she is transporting a military detachment of the enemy, or one or more persons who, in the course of the voyage, directly assist the operations of the enemy.

In the cases specified under the above heads, goods belonging to the owner of the vessel are likewise liable to condemnation.

The provisions of the present article do not apply if the vessel is encountered at sea while unaware of the outbreak of hostilities, or if the master, after becoming aware of the outbreak of hostilities, has had no opportunity of disembarking the passengers. The vessel is deemed to be aware of the existence of a state of war if she left an enemy port subsequently to the outbreak of hostilities or a neutral port subsequently to the notification of the outbreak of hostilities to the power to which such port belongs, provided that such notification was made in sufficient time.

The first case supposes passengers traveling as individuals; the case of a military detachment is dealt with hereafter. The case is that of individuals embodied in the armed military or naval forces of the enemy. There was some doubt as to the meaning of this word. Does it include those individuals only who are summoned to serve in virtue of the law of their country and who have really joined the corps to which they are to belong? Or does it also include such individuals from the moment when they are summoned and before they join that corps? The question is of great practical importance. Supposing the case is one of individuals who are natives of a continental European country and are settled in America; these individuals have military obligations toward their country of origin; they have, for instance, to belong to the reserve of the active army of that country. Their country is at war and they sail to perform their service. Shall they be considered as embodied in the sense of the provision which we are discussing? If we judged by the municipal law of certain countries we might argue that they should be so considered. But, apart from reasons of pure law, the contrary opinion has seemed more in accordance with practical necessity and has been accepted by all in a spirit of conciliation. It would be difficult, perhaps even impossible, without having recourse to vexatious measures to which neutral governments would not unwillingly submit, to pick out among the passengers in a vessel those who are bound to perform military service and are on their way to do so.

The transmission of intelligence in the interest of the enemy is to be treated in the same way as the carriage of passengers embodied

in his armed force. The reference to a vessel especially undertaking a voyage is intended to show that her usual service is not meant. She has been turned from her course; she has touched at a port which she does not ordinarily visit in order to embark the passengers in question. She need not be exclusively devoted to the service of the enemy; that case would come into the second class (art. 56 (4)).

In the two cases just mentioned the vessel has performed but a single service; she has been employed to carry certain people, or to transmit certain intelligence; she is not continuously in the service of the enemy. In consequence she may be captured during the voyage on which she is performing the service which she has to render. Once that voyage is finished, all is over, in the sense that she may not be captured for having rendered the service in question. The principle is the same as that recognized in the case of contraband (art. 38).

The second case also falls under two heads.

There is, first, the carriage of a military detachment of the enemy, or that of one or more persons who during the voyage directly assist his operations, for instance, by signaling. If these people are soldiers or sailors in uniform there is no difficulty, the vessel is clearly liable for condemnation. If they are soldiers or sailors in mufti, who might be mistaken for ordinary passengers, knowledge on the part of the master or owner is required, the charterer being assimilated to the latter. The rule is the same in the case of persons directly assisting the enemy during the voyage.

In these cases, if the vessel is condemned for unneutral service, the goods belonging to her owner are also liable to condemnation.

These provisions assume that the state of war was known to the vessel engaged in the operations specified; such knowledge is the reason and justification of her condemnation. The position is altogether different when the vessel is unaware of the outbreak of hostilities, so that she undertakes the service in ordinary circumstances. She may have learned of the outbreak of hostilities while at sea, but have had no chance of landing the persons whom she was carrying. Condemnation would then be unjust, and the equitable rule adopted is in accordance with the provisions already accepted in other matters. If a vessel has left an enemy port subsequently to the outbreak of hostilities, or a neutral port after that outbreak has been notified to the power to whom such port belongs, her knowledge of the existence of a state of war will be presumed.

The question here is merely one of preventing the condemnation of the vessel. The persons found on board her who belong to the armed forces of the enemy may be made prisoners of war by the cruiser.

ART. 46. A neutral vessel is liable to condemnation and, in a general way, to the same treatment as would be applicable to her if she were an enemy merchant vessel—

(1) If she takes a direct part in the hostilities.

(2) If she is under the orders or control of an agent placed on board by the enemy government.

(3) If she is in the exclusive employment of the enemy government.

(4) If she is exclusively engaged at the time either in the transport of enemy troops or in the transmission of intelligence in the interest of the enemy.

In the cases covered by the present article, goods belonging to the owner of the vessel are likewise liable to condemnation.

The cases here contemplated are more serious than those in article 45, which justifies the severer treatment inflicted on the vessel, as explained above.

First case.—The vessel takes a direct part in the hostilities. This may take different forms. It is needless to say that, in an armed conflict, the vessel takes all the risks incidental thereto. We suppose her to have fallen into the power of the enemy whom she was fighting, and who is entitled to treat her as an enemy merchant vessel.

Second case.—The vessel is under the orders or control of an agent placed on board by the enemy government. His presence marks the relation in which she stands to the enemy. In other circumstances the vessel may also have relations with the enemy, but to be subject to condemnation she must come under the third head.

Third case.—The whole vessel is chartered by the enemy government, and is therefore entirely at its disposal; it can use her for different purposes more or less directly connected with the war, notably, as a transport; such is the position of colliers which accompany a belligerent fleet. There will often be a charter party between the belligerent government and the owner or master of the vessel, but all that is required is proof, and the fact that the whole vessel has, in fact, been chartered is enough, in whatever way it may be established.

Fourth case.—The vessel is at the time exclusively devoted to the carriage of enemy troops or to the transmission of intelligence in the enemy's interest. The case is different from those dealt with by article 45, and the question is one of a service to which the ship is permanently devoted. The decision accordingly is that, so long as such service lasts, the vessel is liable to capture, even if, at the moment when an enemy cruiser searches her, she is engaged neither in the transport of troops nor in the transmission of intelligence.

As in the cases in article 45 and for the same reasons, goods found on board belonging to the owner of the vessel are also liable to condemnation.

It was proposed to treat as an enemy merchant vessel a neutral vessel making, at the time, and with the sanction of the enemy government, a voyage which she has only been permitted to make subsequently to the outbreak of hostilities or during the two preceding months. This rule would be enforced notably on neutral merchant vessels admitted by a belligerent to a service reserved in time of peace to the national marine of that belligerent—for instance, to the coasting trade. Several delegations formally rejected this proposal, so that the question thus raised remains an open one.

ART. 47. Any individual embodied in the armed forces of the enemy who is found on board a neutral merchant vessel may be made a prisoner of war, even though there be no ground for the capture of the vessel.

Individuals embodied in the armed military or naval forces of a belligerent may be on board a neutral merchant vessel when she is searched. If the vessel is subject to condemnation, the cruiser will capture her and take her to one of her own ports with the persons on board. Clearly the soldiers or sailors of the enemy state will not be set free, but will be treated as prisoners of war. Perhaps the case will not be one for the capture of the ship—for instance, because the master was unaware of the status of an individual who had come

on board as an ordinary passenger. Must the soldier or soldiers on board the vessel be set free? That does not appear admissible. The belligerent cruiser can not be compelled to set free active enemies who are physically in her power and are more dangerous than this or that contraband article. She must naturally proceed with great discretion, and must act on her own responsibility in requiring the surrender of these individuals, but the right to do so is hers; it has therefore been thought necessary to explain the point.

Chapter IV.—Destruction of Neutral Prizes.

The destruction of neutral prizes was a subject comprised in the program of the second peace conference, and on that occasion no settlement was reached. It reappeared in the program of the present conference, and this time agreement has been found possible. Such a result, which bears witness to the sincere desire of all parties to arrive at an understanding is a matter for congratulation. It has been shown once more that conflicting hard-and-fast rules do not always correspond to things as they are, and that if there be readiness to descend to particulars, and to arrive at the precise way in which the rules have been applied, it will often be found that the actual practice is very much the same, although the doctrines professed appear to be entirely in conflict. To enable two parties to agree, it is first of all necessary that they should understand each other, and this frequently is not the case. Thus it has been found that those who declared for the right to destroy neutral prizes never claimed to use this right wantonly or at every opportunity, but only by way of exception; while, on the other hand, those who maintained the principle that destruction is forbidden, admitted that the principle must give way in certain exceptional cases. It therefore became a question of reaching an understanding with regard to those exceptional cases to which, according to both views, the right to destroy should be confined. But this was not all; there was need for some guaranty against abuse in the exercise of this right; the possibility of arbitrary action in determining these exceptional cases must be limited by throwing some real responsibility upon the captor. It was at this stage that a new idea was introduced into the discussion, thanks to which it was possible to arrive at an agreement. The possibility of intervention by a court of justice will make the captor reflect before he acts, and at the same time secure reparation in cases where there was no reason for the destruction.

Such is the general spirit of the provisions of this chapter.

Art. 48. A neutral vessel which has been captured may not be destroyed by the captor; she must be taken into such port as is proper for the determination there of all questions concerning the validity of the prize.

The general principle is very simple. A neutral vessel which has been seized may not be destroyed by the captor; so much may be admitted by everyone, whatever view is taken as to the effect produced by the capture. The vessel must be taken into a port for the determination there as to the validity of the prize. A prize crew will be put on board or not, according to circumstances.

Art. 49. As an exception, a neutral vessel which has been captured by a belligerent warship, and which would be liable to condemnation, may be destroyed if the observance of article 48 would involve danger to the safety of the warship or to the success of the operations in which she is engaged at the time.

The first condition necessary to justify the destruction of the captured vessel is that she should be liable to condemnation upon the facts of the case. If the captor can not even hope to obtain the condemnation of the vessel, how can he lay claim to the right to destroy her?

The second condition is that the observance of the general principle would involve danger to the safety of the warship or to the success of the operations in which she is engaged at the time. This is what was finally agreed upon after various solutions had been tried. It was understood that the phrase compromettre la securité was synonymous with mettre en danger le navire, and might be translated into English by: Involve danger. It is, of course, the situation at the moment when the destruction takes place which must be considered in order to decide whether the conditions are or are not fulfilled. For a danger which did not exist at the actual moment of the capture may have appeared some time afterwards.

ART. 50. Before the vessel is destroyed all persons on board must be placed in safety, and all the ship's papers and other documents which the parties interested consider relevant for the purpose of deciding on the validity of the capture must be taken on board the warship.

This provision lays down the precautions to be taken in the interests of the persons on board and of the administration of justice.

ART. 51. A captor who has destroyed a neutral vessel must, prior to any decision respecting the validity of the prize, establish that he only acted in the face of an exceptional necessity, of the nature contemplated in article 49. If he fails to do this, he must compensate the parties interested, and no examination shall be made of the question whether the capture was valid or not.

This claim gives a guaranty against the arbitrary destruction of prizes by throwing a real responsibility upon the captor who has carried out the destruction. The result is that before any decision is given respecting the validity of the prize, the captor must prove that the situation he was in was really one which fell under the head of the exceptional cases contemplated. This must be proved in proceedings to which the neutral is a party, and if the latter is not satisfied with the decision of the national prize court he may take his case to the international court. Proof to the above effect is, therefore, a condition precedent which the captor must fulfill. If he fails to do this, he must compensate the parties interested in the vessel and the cargo, and the question whether the capture was valid or not will not be gone into. In this way a real sanction is provided in respect of the obligation not to destroy a prize except in particular cases, the sanction taking the form of a fine inflicted on the captor. If, on the other hand, this proof is given, the prize procedure follows the usual course; if the prize is declared valid, no compensation is due; if it is declared void, the parties interested have a right to be compensated. Resort to the international court can only be made after the decision of the prize court has been given on the whole matter, and not immediately after the preliminary question has been decided.

ART. 52. If the capture of a neutral vessel is subsequently held to be invalid, though the act of destruction has been held to have been justifiable, the captor must pay compensation to the parties interested, in place of the restitution to which they would have been entitled.

ART. 53. If neutral goods not liable to condemnation have been destroyed with the vessel, the owner of such goods is entitled to compensation.

Supposing a vessel which has been destroyed carried neutral goods not liable to condemnation: the owner of such goods has, in every case, a right to compensation; that is, without there being occasion to distinguish between cases where the destruction was or was not justified. This is equitable and a further guaranty against arbitrary destruction.

ART. 54. The captor has the right to demand the handing over, or to proceed himself to the destruction, of any goods liable to condemnation found on board a vessel not herself liable to condemnation, provided that the circumstances are such as would, under article 49, justify the destruction of a vessel herself liable to condemnation. The captor must enter the goods surrendered or destroyed in the log book of the vessel stopped, and must obtain duly certified copies of all relevant papers. When the goods have been handed over or destroyed and the formalities duly carried out, the master must be allowed to continue his voyage.

The provisions of articles 51 and 52 respecting the obligations of a captor who has destroyed a neutral vessel are applicable.

A cruiser encounters a neutral merchant vessel carrying contraband in a proportion less than that specified in article 40. The captain may put a prize crew on board the vessel and take her into a port for adjudication. He may, in conformity with the provisions of article 44, agree to the handing over of the contraband if offered by the vessel stopped. But what is to happen if neither of these solutions is reached? The vessel stopped does not offer to hand over the contraband, and the cruiser is not in a position to take the vessel into a national port. Is the cruiser obliged to let the neutral vessel go with the contraband on board? To require this seemed going too far, at least in certain exceptional circumstances. These circumstances are in fact the same as would have justified the destruction of the vessel, had she been liable to condemnation. In such a case, the cruiser may demand the handing over, or proceed to the destruction, of the goods liable to condemnation. The reasons for which the right to destroy the vessel has been recognized may justify the destruction of the contraband goods, the more so as the considerations of humanity which can be adduced against the destruction of a vessel do not in this case apply. Against arbitrary demands by the cruiser there are the same guaranties as those which made it possible to recognize the right to destroy the vessel. The captor must, as a preliminary, prove that he was really faced by the exceptional circumstances specified; failing this, he is condemned to pay the value of the goods handed over or destroyed, and the question whether they were contraband or not will not be gone into.

The article prescribes certain formalities which are necessary to establish the facts of the case and to enable the prize court to adjudicate.

Of course, when once the goods have been handed over or destroyed and the formalities carried out, the vessel which has been stopped must be left free to continue her voyage.

CHAPTER V.—TRANSFER TO A NEUTRAL FLAG.

An enemy merchant vessel is liable to capture, whereas a neutral merchant vessel is immune. It can therefore be readily understood that a belligerent cruiser encountering a merchant vessel which lays

claim to neutral nationality has to inquire whether such nationality has been acquired legitimately or merely in order to shield the vessel from the risks to which she would have been exposed had she retained her former nationality. This question naturally arises when the transfer has taken place a comparatively short time before the moment at which the ship is searched, whether the actual date be before or after the outbreak of hostilities. The answer will be different according as the question is looked at from the point of view of commercial or belligerent interests. Fortunately, rules have been agreed upon which conciliate both these interests as far as possible, and which at the same time tell belligerents and neutral commerce what their position is.

ART. 55. The transfer of an enemy vessel to a neutral flag, effected before the outbreak of hostilities, is valid, unless it is proved that such transfer was made in order to evade the consequences to which an enemy vessel, as such, is exposed. There is, however, a presumption, if the bill of sale is not on board a vessel which has lost her belligerent nationality less than sixty days before the outbreak of hostilities, that the transfer is void. This presumption may be rebutted.

Where the transfer was effected more than thirty days before the outbreak of hostilities, there is an absolute presumption that it is valid if it is unconditional, complete, and in conformity with the laws of the countries concerned, and if its effect is such that neither the control of, nor the profits earned by, the vessel remain in the same hands as before the transfer. If, however, the vessel lost her belligerent nationality less than sixty days before the outbreak of hostilities, and if the bill of sale is not on board, the capture of the vessel gives no right to damages.

The general rule laid down in the first paragraph is that the transfer of an enemy vessel to a neutral flag is valid, assuming, of course, that the ordinary requirements of the law have been fulfilled. It is upon the captor, if he wishes to have the transfer annulled, that the onus lies of proving that its object was to evade the consequences entailed by the war in prospect. There is one case which is treated as suspicious, that, namely, in which the bill of sale is not on board when the ship has changed her nationality less than 60 days before the outbreak of hostilities. The presumption of validity which has been set up by the first paragraph in favor of the vessel is then replaced by a presumption in favor of the captor. It is presumed that the transfer is void, but the presumption may be rebutted. With a view to such rebuttal, proof may be given that the transfer was not effected in order to evade the consequences of the war; it is unnecessary to add that the ordinary requirements of the law must have been fulfilled.

It was thought desirable to give to commerce a guaranty that the right of treating a transfer as void on the ground that it was effected in order to evade the consequences of war should not extend too far, and should not cover too long a period. Consequently, if the transfer has been effected more than 30 days before the outbreak of hostilities, it can not be impeached on that ground alone, and it is regarded as unquestionably valid if it has been made under conditions which show that it is genuine and final. These conditions are as follows: The transfer must be unconditional, complete, and in conformity with the laws of the countries concerned, and its effect must be such that both the control of, and the profits earned by, the vessel pass into other hands. When once these conditions are proved to exist, the captor is not allowed to set up the conten-

tion that the vender foresaw the war in which his country was about to be involved, and wished by the sale to shield himself from the risks to which a state of war would have exposed him in respect of the vessels he was transferring. Even in this case, however, when a vessel is encountered by a cruiser and her bill of sale is not on board, she may be captured if a change of nationality has taken place less than 60 days before the outbreak of hositilities; that circumstance has made her suspect. But if before the prize court the proof required by the second paragraph is adduced, she must be released, though she can not claim compensation, inasmuch as there was good reason for capturing her.

ART. 56. The transfer of an enemy vessel to a neutral flag effected after the outbreak of hostilities is void unless it is proved that such transfer was not made in order to evade the consequences to which an enemy vessel, as such, is exposed.

Provided that there is an absolute presumption that a transfer is void—

(1) If the transfer has been made during a voyage or in a blockaded port.

(2) If a right to repurchase or recover the vessel is reserved to the vender.

(3) If the requirements of the municipal law governing the right to fly the flag under which the vessel is sailing have not been fulfilled.

The rule respecting transfers made after the outbreak of hostilities is more simple. Such a transfer is only valid if it is proved that its object was not to evade the consequences to which an enemy vessel, as such, is exposed. The rule accepted in respect to transfers made before the outbreak of hostilities is inverted. In that case there is a presumption that the transfer is valid; in the present, that it is void—provided always, that proof to the contrary may be given. For instance, it might be proved that the transfer had taken place by inheritance.

Article 56 recites cases in which the presumption that the transfer is void is absolute, for reasons which can be readily understood. In the first case the connection between the transfer and the war risk run by the vessel is evident. In the second, the transferee is a mere man of straw, who is to be treated as owner during a dangerous period, after which the vender will recover possession of his vessel. Lastly, the third case might strictly be regarded as already provided for, since a vessel which lays claim to neutral nationality must naturally prove that she has a right to it.

At one time provision was made in this article for the case of a vessel which was retained, after the transfer, in the trade in which she had previously been engaged. Such a circumstance is in the highest degree suspicious; the transfer has a fictitious appearance, inasmuch as nothing has changed in regard to the vessel's trade. This would apply, for instance, if a vessel were running on the same line before and after the transfer. It was, however, objected that to set up an absolute presumption would sometimes be too severe, and that certain kinds of vessels, as for example, tank ships, could, on account of their build, engage only in a certain definite trade. To meet this objection the word "route" was then added, so that it would have been necessary that the vessel should be engaged in the same trade and on the same route; it was thought that in this way the above contention would have been satisfactorily met. However, the suppression of this case from the list being insisted on, it was agreed to eliminate it. Consequently, a transfer of this

character now falls within the general rule; it is certainly presumed to be void, but the presumption may be rebutted.

Chapter VI.—Enemy Character.

The rule in the declaration of Paris that "the neutral flag covers enemy goods, with the exception of contraband of war," corresponds so closely with the advance of civilization and has taken so firm a hold on the public mind that it is impossible, in the face of so extensive an application, to avoid seeing in that rule the embodiment of a principle of the common law of nations which can no longer be disputed. The determination of the neutral or enemy character of merchant vessels accordingly decides not only the question of the validity of their capture, but also the fate of the non-contraband goods on board. A similar general observation may be made with reference to the neutral or enemy character of goods. No one thinks of contesting to-day the principle according to which "neutral goods, with the exception of contraband of war, are not liable to capture on board an enemy ship." It is, therefore, only in respect of goods found on board an enemy ship that the question whether they are neutral or enemy property arises.

The determination of what constitutes neutral or enemy character thus appears as a development of the two principles laid down in 1856, or rather as a means of securing their just application in practice.

The advantage of deducing from the practices of different countries some clear and simple rules on this subject may be said to need no demonstration. The uncertainty as to the risk of capture, if it does not put an end to trade, is at least the most serious of hindrances to its continuance. A trader ought to know the risks which he runs in putting his goods on board this or that ship, while the underwriter, if he does not know the extent of those risks, is obliged to charge war premiums, which are often either excessive or else inadequate.

The rules which form this chapter are, unfortunately, incomplete. Certain important points had to be laid aside, as has been already observed in the introductory explanations and as will be further explained below.

Art. 57. Subject to the provisions respecting transfer to another flag, the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly.

The case where a neutral vessel is engaged in a trade which is closed in time of peace remains outside the scope of this rule and is in no wise affected by it.

The principle, therefore, is that the neutral or enemy character of a vessel is determined by the flag which she is entitled to fly. It is a simple rule which appears satisfactorily to meet the special case of ships, as distinguished from that of other movable property, and notably of the cargo. From more than one point of view ships may be said to possess an individuality; notably, they have a nationality, a national character. This attribute of nationality finds visible expression in the right to fly a flag. It has the effect of placing ships under the protection and control of the State to which they belong. It makes them amenable to the sovereignty and to the laws of that State and liable to requisition should the occasion arise. Here is the surest test of whether a vessel is really a unit in the merchant

marine of a country, and here, therefore, the best test by which to decide whether her character is neutral or enemy. It is, moreover, preferable to rely exclusively upon this test and to discard all considerations connected with the personal status of the owner.

The text makes use of the words "the flag which the vessel is entitled to fly;" that expression means, of course, the flag under which, whether she is actually flying it or not, the vessel is entitled to sail according to the municipal laws which govern that right.

Article 57 safeguards the provisions respecting transfer to another flag, as to which it is sufficient to refer to articles 55 and 56; a vessel may very well have the right to fly a neutral flag, as far as the law of the country to which she claims to belong is concerned, but may be treated as an enemy vessel by a belligerent, because the transfer in virtue of which she has hoisted the neutral flag is annulled by article 55 or article 56.

Lastly, the question was raised whether a vessel loses her neutral character when she is engaged in a trade which the enemy, prior to the war, reserved exclusively for his national vessel; but as has been observed above in connection with the subject of unneutral service, no agreement was reached, and the question remains an open one, as the second paragraph of article 57 is careful to explain.

ART. 58. The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy character of the owner.

Unlike ships, goods have no individuality of their own; their neutral or enemy character is made to depend upon the personal status of their owner. This opinion prevailed after an exhaustive study of different views, which inclined toward reliance on the country of origin of the goods, the status of the person at whose risk they are, of the consignee, or of the consignor. The test adopted in article 58 appears, moreover, to be in conformity with the terms of the declaration of Paris, as also with those of the convention of The Hague of the 18th October, 1907, relative to the establishment of an international prize court, where the expression "neutral or enemy property" is used. (Arts. 1, 3, 4, 8.)

But it can not be concealed that article 58 solves no more than a part of the problem, and that the easier part: it is the neutral or enemy character of the owner which determines the character of the goods, but what is to determine the neutral or enemy character of the owner? On this point nothing is said, because it was found impossible to arrive at an agreement. Opinions were divided between domicile and nationality; no useful purpose will be served by reproducing here the arguments adduced to support the two positions. It was hoped that a compromise might have been reached on the basis of a clause to the following effect:

The neutral or enemy character of goods found on board an enemy vessel is determined by the neutral or enemy nationality of their owner, or, if he is of no nationality or of double nationality (i. e., both neutral and enemy), by his domicile in a neutral or enemy country;

Provided that goods belonging to a limited liability or joint stock company are considered as neutral or enemy according as the company has its headquarters in a neutral or enemy country.

But there was no unanimity.

ART. 59. In the absence of proof of the neutral character of goods found on board an enemy vessel, they are presumed to be enemy goods.

Article 59 gives expression to the traditional rule according to which goods found on board an enemy vessel are, failing proof to the contrary, presumed to be enemy goods; this is merely a simple presumption, which leaves to the claimant the right, but at the same time the onus, of proving his title.

ART. 60. Enemy goods on board an enemy vessel retain their enemy character until they reach their destination, notwithstanding any transfer effected after the outbreak of hostilities while the goods are being forwarded.

If, however, prior to the capture, a former neutral owner exercises, on the bankruptcy of an existing enemy owner, a recognized legal right to recover the goods, they regain their neutral character.

This provision contemplates the case where goods which were enemy property at the time of dispatch have been the subject of a sale or transfer during the course of the voyage. The ease with which enemy goods might secure protection from the exercise of the right of capture by means of a sale which is made subject to a reconveyance of the property on arrival has always led to a refusal to recognize such transfers. The enemy character subsists.

With regard to the moment from which goods must be considered to acquire and retain the enemy character of their owner, the text has been inspired by the same spirit of equity as governed the convention of The Hague, relative to the status of merchant vessels on the outbreak of hostilities, and by the same desire to protect mercantile operations undertaken in the security of a time of peace. It is only when the transfer takes place after the outbreak of hostilities that it is, so far as the loss of enemy character is concerned, inoperative until the arrival of the goods in question. The date which is taken into consideration here is that of the transfer, and not of the departure of the vessel. For, while the vessel which started before the war began, and remains, perhaps, unaware of the outbreak of hostilities, may enjoy on this account some degree of exemption, the goods may nevertheless possess enemy character; the enemy owner of these goods is in a position to be aware of the state of war, and it is for that very reason that he is likely to seek to evade its consequences.

It was, however, thought right to add what is, if not a limitation, at least a complement agreed to be necessary. In a great number of countries an unpaid vendor has, in the event of the bankruptcy of the buyer, a recognized legal right to recover the goods which have already become the property of the buyer but not yet reached him (stoppage in transitu). In such a case the sale is canceled, and, in consequence of the recovery, the vendor obtains the goods again and is not deemed ever to have ceased to be the owner. This right gives to neutral commerce, in the case of a genuine bankruptcy, a protection too valuable to be sacrificed, and the second paragraph of article 60 is intended to preserve it.

CHAPTER VII.—CONVOY.

The practice of convoy has, in the past, occasionally given rise to grave difficulties and even to conflict. It is therefore satisfactory to be able to record the agreement which has been reached upon this subject.

ART. 61. Neutral vessels under national convoy are exempt from search. The commander of a convoy gives, in writing, at the request of the commander of a belligerent warship, all information as to the character of the vessels and their cargoes which could be obtained by search.

The principle laid down is simple; a neutral vessel under the convoy of a warship of her own nationality is exempt from search. The reason for this rule is that the belligerent cruiser ought to be able to find in the assurances of the commander of the convoy as good a guaranty as would be afforded by the exercise of the right of search itself; in fact, she can not call in question the assurances given by the official representative of a neutral government without displaying a lack of international courtesy. If neutral governments allow belligerents to search vessels sailing under their flag, it is because they do not wish to be responsible for the supervision of such vessels, and therefore allow belligerents to protect themselves. The situation is altered when a neutral government consents to undertake that responsibility; the right of search has no longer the same importance.

But it follows from the explanation of the rule respecting convoy that the neutral government undertakes to afford the belligerents every guaranty that the vessels convoyed shall not take advantage of the protection accorded to them in order to do anything inconsistent with their neutrality, as, for example, to carry contraband, render unneutral service to the belligerent, or attempt to break blockade. There is need, therefore, that a genuine supervision should be exercised from the outset over the vessels which are to be convoyed; and that supervision must be continued throughout the voyage. The government must act with vigilance so as to prevent all abuse of the right of convoy, and must give to the officer who is put in command of a convoy precise instructions to this effect.

A belligerent cruiser encounters a convoy; she communicates with the commander of the convoy, who must, at her request, give in writing all relevant information about the vessels under his protection. A written declaration is required, because it prevents all ambiguities and misunderstandings, and because it pledges to a greater extent the responsibility of the commander. The object of such a declaration is to make search unnecessary by the mere fact of giving to the cruiser the information which the search itself would have supplied.

ART. 62. If the commander of the belligerent warship has reason to suspect that the confidence of the commander of the convoy has been abused, he communicates his suspicions to him. In such a case it is for the commander of the convoy alone to investigate the matter. He must record the result of such investigation in a report, of which a copy is handed to the officer of the warship. If, in the opinion of the commander of the convoy, the facts shown in the report justify the capture of one or more vessels, the protection of the convoy must be withdrawn from such vessels.

In the majority of cases the cruiser will be satisfied with the declaration which the commander of the convoy will have given to her, but she may have serious grounds for believing that the confidence of the commander has been abused, as, for example, that a ship under convoy of which the papers are apparently in order and exhibit nothing suspicious is, in fact, carrying contraband cleverly concealed. The cruiser may, in such a case, communicate her suspicions to the commander of the convoy, and an investigation may be considered necessary. If so, it will be made by the commander of the convoy, since it is he alone who exercises authority over the vessels placed under his protection. It appeared, nevertheless, that much difficulty might often be avoided if the belligerent were allowed to be present at this investigation; otherwise he might still suspect, if not the good faith, at

least the vigilance and perspicacity of the person who conducted the search. But it was not thought that an obligation to allow the officer of the cruiser to be present at the investigation should be imposed upon the commander of the convoy. He must act as he thinks best; if he agrees to the presence of an officer of the cruiser, it will be as an act of courtesy or good policy. He must in every case draw up a report of the investigation and give a copy to the officer of the cruiser.

Differences of opinion may occur between the two officers, particularly in relation to conditional contraband. The character of a port to which a cargo of corn is destined may be disputed. Is it an ordinary commercial port, or is it a port which serves as a base of supply for the armed forces? The situation which arises out of the mere fact of the convoy must in such a case be respected. The officer of the cruiser can do no more than make his protest, and the difficulty must be settled through the diplomatic channel.

The situation is altogether different if a vessel under convoy is found beyond the possibility of dispute to be carrying contraband. The vessel has no longer a right to protection, since the condition upon which such protection was granted has not been fulfilled. Besides deceiving her own government, she has tried to deceive the belligerent. She must therefore be treated as a neutral merchant vessel encountered in the ordinary way and searched by a belligerent cruiser. She can not complain at being exposed to such rigorous treatment, since there is in her case an aggravation of the offense committed by a carrier of contraband.

Chapter VIII.—Resistance to Search.

The subject treated in this chapter was not mentioned in the program submitted by the British Government in February, 1908, but it is intimately connected with several of the questions in that program, and thus attracted the attention of the conference in the course of its deliberations; and it was thought necessary to frame a rule upon it, the drafting of which presented little difficulty.

A belligerent cruiser encounters a merchant vessel and summons her to stop in order that she may be searched. The vessel summoned does not stop, but tries to avoid the search by flight. The cruiser may employ force to stop her, and the merchant vessel, if she is damaged or sunk, has no right to complain, seeing that she has failed to comply with an obligation imposed upon her by the law of nations.

If the vessel is stopped, and it is shown that it was only in order to escape the inconvenience of being searched that recourse was had to flight, and that beyond this she had done nothing contrary to neutrality, she will not be punished for her attempt at flight. If, on the other hand, it is established that the vessel has contraband on board, or that she has in some way or other failed to comply with her duty as a neutral, she will suffer the consequences of her infraction of neutrality, but in this case as in the last, she will not undergo any punishment for her attempt at flight. Expression was given to the contrary view, namely, that a ship should be punished for an obvious attempt at flight as much as for forcible resistance. It was suggested that the prospect of having the escaping vessel condemned as good prize would influence the captain of the cruiser to do his best to spare her. But in the end this view did not prevail.

ART. 63. Forcible resistance to the legitimate exercise of the right of stoppage, search, and capture involves in all cases the condemnation of the vessel. The cargo is liable to the same treatment as the cargo of an enemy vessel. Goods belonging to the master or owner of the vessel are treated as enemy goods.

The situation is different if forcible resistance is made to any legitimate action by the cruiser. The vessel commits an act of hostility and must from that moment be treated as an enemy vessel; she will therefore be subject to condemnation, although the search may not have shown that anything contrary to neutrality had been done. So far no difficulty seems to arise.

What must be decided with regard to the cargo? The rule which appeared to be the best is that according to which the cargo will be treated like the cargo on board an enemy vessel. This assimilation involves the following consequences. A neutral vessel which has offered resistance becomes an enemy vessel and the goods on board are presumed to be enemy goods. Neutrals who are interested may claim their property, in accordance with article 3 of the declaration of Paris, but enemy goods will be condemned, since the rule that the flag covers the goods can not be adduced, because the captured vessel on board which they are found is considered to be an enemy vessel. It will be noticed that the right to claim the goods is open to all neutrals, even to those whose nationality is that of the captured vessel; it would seem to be an excess of severity to make such persons suffer for the action of the master. There is, however, an exception as regards the goods which belong to the owner of the vessel: it seems natural that he should bear the consequences of the acts of his agent. His property on board the vessel is therefore treated as enemy goods. A fortiori the same rule applies to the goods belonging to the master.

CHAPTER IX.—COMPENSATION.

This chapter is of very general application, inasmuch as the provisions which it contains are operative in all the numerous cases in which a cruiser may capture a vessel or goods.

ART. 64. If the capture of a vessel or of goods is not upheld by the prize court, or if the prize is released without any judgment being given, the parties interested have the right to compensation, unless there were good reasons for capturing the vessel or goods.

A cruiser has captured a neutral vessel on the ground, for example, of carriage of contraband or breach of blockade. The prize court releases the vessel, declaring the capture to be void. This decision alone is evidently not enough to indemnify the parties interested for the loss incurred in consequence of the capture, and this loss may have been considerable, since the vessel has been during a period, which may often be a very long one, prevented from engaging in her ordinary trade. May these parties claim to be compensated for this injury? Reason requires that the affirmative answer should be given, if the injury has been undeserved—that is to say, if the capture was not brought about by some fault of the parties. It may, indeed, happen that there was good reason for the capture, because the master of the vessel searched did not produce evidence which ought in the ordinary course to have been available and which was only furnished at a later stage. In such a case it would be unjust that compensation

should be awarded. On the other hand, if the cruiser has really been at fault, if the vessel has been captured when there were not good reasons for doing so, it is just that compensation should be granted.

It may also happen that a vessel which has been captured and taken into a port is released by the action of the executive without the intervention of a prize court. The existing practice, under such circumstances, is not uniform. In some countries the prize court has no jurisdiction, unless there is a question of validating a capture, and can not adjudicate on a claim for compensation based upon the ground that the capture would have been held unjustifiable; in other countries the prize court would have jurisdiction to entertain a claim of this kind. On this point, therefore, there is a difference which is not altogether equitable, and it is desirable to lay down a rule which will produce the same result in all countries. It is reasonable that every capture effected without good reasons should give to the parties interested a right to compensation without its being necessary to draw any distinction between the cases in which the capture has or has not been followed by a decision of a prize court; and this argument is all the more forcible when the capture may have so little justification that the vessel is released by the action of the executive. A provision in general terms has therefore been adopted, which is capable of covering all cases of capture.

It should be observed that in the text no reference is made to the question whether the national tribunals are competent to adjudicate on a claim for compensation. In cases where proceedings are taken against the property captured no doubt upon this point can be entertained. In the course of the proceedings taken to determine the validity of a capture the parties interested have the opportunity of making good their right to compensation, and if the national tribunal does not give them satisfaction they can apply to the international prize court. If, on the other hand, the action of the belligerent has been confined to the capture it is the law of the belligerent captor which decides whether there are tribunals competent to entertain a demand for compensation; and if so, what are those tribunals? The international court has not, according to the convention of The Hague, any jurisdiction in such a case. From an international point of view the diplomatic channel is the only one available for making good such a claim, whether the cause for complaint is founded on a decision actually delivered or on the absence of any tribunal having jurisdiction to entertain it.

The question was raised as to whether it was necessary to draw a distinction between the direct and the indirect losses suffered by vessel or goods. The best course appeared to be to leave the prize court free to estimate the amount of compensation due, which will vary according to the circumstances and can not be laid down in advance in rules going into minute details.

For the sake of simplicity mention has only been made of the vessel, but what has been said applies, of course, to cargo captured and afterwards released. Innocent goods on board a vessel which has been captured suffer, in the same way, all the inconvenience which attends the capture of the vessel; but if there was good cause for capturing the vessel whether the capture has subsequently been held to be valid or not, the owners of the cargo have no right to compensation.

It is perhaps useful to indicate certain cases in which the capture of a vessel would be justified, whatever might be the ultimate decision of the prize court. Notably, there is the case where some or all of the ship's papers have been thrown overboard, suppressed, or intentionally destroyed on the initiative of the master or one of the crew or passengers. There is in such a case an element which will justify any suspicion and afford an excuse for capturing the vessel, subject to the master's ability to account for his action before the prize court. Even if the court should accept the explanation given and should not find any reason for condemnation, the parties interested can not hope to recover compensation.

An analogous case would be that in which there were found on board two sets of papers, or false or forged papers, if this irregularity were connected with circumstances calculated to contribute to the capture of the vessel.

It appeared sufficient that these cases in which there would be a reasonable excuse for the capture should be mentioned in the present report, and should not be made the object of express provisions, since otherwise the mention of these two particular cases might have led to the supposition that they were the only cases in which a capture could be justified.

Such, then, are the principles of international law to which the naval conference has sought to give recognition as being fitted to regulate in practice the intercourse of nations on certain important questions in regard to which precise rules have hitherto been wanting. The conference has thus taken up the work of codification begun by the declaration of Paris of 1856. It has worked in the same spirit as the second peace conference, and, taking advantage of the labors accomplished at The Hague, it has been able to solve some of the problems which, owing to the lack of time, that conference was compelled to leave unsolved. Let us hope that it may be possible to say that those who have drawn up the declaration of London of 1909 are not altogether unworthy of their predecessors of 1856 and 1907.

Final Provisions.

These provisions have reference to various questions relating to the effect of the declaration, its ratification, its coming into force, its denunciation, and the accession of unrepresented powers.

Art. 65. The provisions of the present declaration must be treated as a whole and can not be separated.

This article is of great importance and is in conformity with that which was adopted in the declaration of Paris.

The rules contained in the present declaration relate to matters of great importance and great diversity. They have not all been accepted with the same degree of eagerness by all the delegations. Concessions have been made on one point in consideration of concessions obtained on another. The whole, all things considered, has been recognized as satisfactory, and a legitimate expectation would be falsified if one power might make reservations on a rule to which another power attached particular importance.

Art. 66. The signatory powers undertake to insure the mutual observance of the rules contained in the present declaration in any war in which all the belli-

erents are parties thereto. They will therefore issue the necessary instructions to their authorities and to their armed forces, and will take such measures as may be required in order to insure that it will be applied by their courts, and more particularly by their prize courts.

According to the engagement resulting from this article, the declaration applies to the relations between the signatory powers when the belligerents are likewise parties to the declaration.

It will be the duty of each power to take the measures necessary to insure the observance of the declaration. These measures may vary in different countries and may or may not involve the intervention of the legislature. The matter is one of national legal requirements.

It should be observed that neutral powers also may find themselves in a position of having to give instructions to their authorities, notably to the commanders of convoys, as previously explained.

ART. 67. The present declaration shall be ratified as soon as possible.

The ratifications shall be deposited in London.

The first deposit of ratifications shall be recorded in a protocol signed by the representatives of the powers taking part therein, and by His Britannic Majesty's principal secretary of state for foreign affairs.

The subsequent deposits of ratification shall be made by means of a written notification addressed to the British Government, and accompanied by the instrument of ratification.

A duly certified copy of the protocol relating to the first deposit of ratifications, and of the notifications mentioned in the preceding paragraph as well as of the instruments of ratification which accompany them, shall be immediately sent by the British Government, through the diplomatic channel, to the signatory powers. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

This provision, of a purely formal character, needs no explanation. The wording adopted at The Hague by the second peace conference has been borrowed.

ART. 68. The present declaration shall take effect, in the case of the powers which were parties to the first deposit of ratifications, sixty days after the date of the protocol recording such deposit, and in the case of the powers which shall ratify subsequently, sixty days after the notification of their ratification shall have been received by the British Government.

ART. 69. In the event of one of the signatory powers wishing to denounce the present declaration, such denunciation can only be made to take effect at the end of a period of twelve years beginning sixty days after the first deposit of ratifications, and after that time, at the end of successive periods of six years, of which the first will begin at the end of the period of twelve years.

Such denunciation must be notified in writing, at least one year in advance, to the British Government, which shall inform all the other powers.

It will only operate in respect of the denouncing power.

It follows implicitly from article 69 that the declaration is of indefinite duration. The periods after which denunciation is allowed have been fixed on the analogy of the convention for the establishment of an international prize court.

ART. 70. The powers represented at the London naval conference attach particular importance to the general recognition of the rules which they have adopted, and therefore express the hope that the powers which were not represented there will accede to the present declaration. They request the British Government to invite them to do so.

A power which desires to accede shall notify its intention in writing to the British Government, and transmit simultaneously the act of accession, which will be deposited in the archives of the said Government.

The said Government shall forthwith transmit to all the other powers a duly certified copy of the notification, together with the act of accession, and com-

municate the date on which such notification was received. The accession takes effect sixty days after such date.

In respect of all matters concerning this declaration, acceding powers shall be on the same footing as the signatory powers.

The declaration of Paris also contained an invitation to the powers which were not represented to accede to the declaration. The official invitation in this case, instead of being made individually by each of the powers represented at the conference, may more conveniently be made by Great Britain acting in the name of all the powers.

The procedure for accession is very simple. The fact that the acceding powers are placed on the same footing in every respect as the signatory powers of course involves compliance by the former with article 65. A power can accede only to the whole, but not merely to a part, of the declaration.

ART. 71. The present declaration, which bears the date of the 26th February, 1909, may be signed in London up till the 30th June, 1909, by the plenipotentiaries of the powers represented at the naval conference.

As at The Hague, account has been taken of the situation of certain powers the representatives of which may not be in a position to sign the declaration at once, but which desire, nevertheless, to be considered as signatory, and not as acceding, powers.

It is scarcely necessary to say that the plenipotentiaries of the powers referred to in article 71 are not necessarily those who were, as such, delegates at the naval conference.

In faith whereof the plenipotentiaries have signed the present declaration and have thereto affixed their seals.

Done at London the twenty-sixth day of February, one thousand nine hundred and nine, in a single original, which shall remain deposited in the archives of the British Government, and of which duly certified copies shall be sent through the diplomatic channel to the powers represented at the naval conference.

[Translation.]

FINAL PROTOCOL OF THE LONDON NAVAL CONFERENCE.

The London Naval Conference, called together by His Britannic Majesty's Government, assembled at the foreign office on the 4th December, 1908, with the object of laying down the generally recognized principles of international law in accordance with Article 7 of the convention signed at The Hague on the 18th October, 1907, for the estblishment of an international prize court.

The powers enumerated below took part in this conference, at which they appointed as their representatives the following delegates:

Germany: M. Kriege, privy councillor of legation and legal adviser to the department of foreign affairs, member of the permanent court of arbitration, plenipotentiary delegate; Captain Starke, naval attaché to the imperial embassy at Paris, naval delegate; M. Göppert, councillor of legation and assistant councillor to the department for foreign affairs, legal delegate; Commander von Bülow, second naval delegate.

The United States of America: Rear-Admiral Charles H. Stockton, plenipotentiary delegate; Mr. George Grafton Wilson, professor

at Brown University, lecturer on international law at the Naval War College and at Harvard University, plenipotentiary delegate.

Austria-Hungary: His Excellency M. Constantin Théodore Dumba, privy councillor of His Imperial and Royal Apostolic Majesty, envoy extraordinary and minister plenipotentiary, plenipotentiary delegate; Rear-Admiral Baron Léopold de Jedina-Palombini, naval delegate; Baron Alexandre Hold de Ferneck, attaché to the ministry of the imperial and royal household and of foreign affairs, professor on the staff of the University of Vienna, assistant delegate.

Spain: M. Gabriel Maura y Gamazo, Count de la Mortera, member of Parliament, plenipotentiary delegate; Capt. R. Estrada, naval delegate.

France: M. Louis Renault, minister plenipotentiary, professor at the Faculty of Law at Paris, legal adviser to the ministry of foreign affairs, member of the Institute of France, member of the permanent court of arbitration, plenipotentiary delegate; Rear-Admiral Le Bris, technical delegate; M. H. Fromageot, barrister at the court of appeal in Paris, technical delegate; Count de Manneville, secretary of embassy of the first class, delegate.

Great Britain: The Earl of Desart, K. C. B., king's proctor, plenipotentiary delegate; Rear-Admiral Sir Charles Ottley, K. C. M. G., M. V. O., R. N., delegate: Rear-Admiral Edmond J. W. Slade, M. V. O., R. N., delegate; Mr. Eyre Crowe, C. B., delegate; Mr. Cecil Hurst, C. B., delegate.

Italy: M. Guido Fusinato, councillor of state, member of Parliament, ex-minister of public instruction, member of the permanent court of arbitration, plenipotentiary delegate; Capt. Count Giovanni Lovatelli, naval delegate; M. Arturo Ricci-Busatti, councillor of legation, head of the legal department of the ministry for foreign affairs, assistant delegate.

Japan: Vice-Admiral Baron Toshiatsu Sakamoto, head of the naval education department, plenipotentiary delegate; M. Enjiro Yamaza, councillor of the imperial embassy in London, plenipotentiary delegate; Capt. Sojiro Tochinai, naval attaché at the imperial embassy in London, naval delegate; M. Tadao Yamakawa, councillor to the imperial ministry of marine, technical delegate; M. Sakutaro Tachi, professor at the Imperial University of Tokyo, technical delegate; M. Michikazu Masuda, second secretary at the imperial legation at Brussels, technical delegate.

Netherlands: Vice-Admiral Jonkheer J. A. Roëll, A. D. C., on special service to Her Majesty the Queen, ex-minister of marine, plenipotentiary delegate; Jonkheer L. H. Ruysseanaers, envoy extraordinary and minister plenipotentiary, ex-secretary-general of the permanent court of arbitration, plenipotentiary delegate; First Lieut. H. G. Surie, naval delegate.

Russia: Baron Taube, doctor of laws, councillor to the imperial ministry of foreign affairs, professor of international law at the University of St. Petersburg, plenipotentiary delegate; Captain Behr, naval attaché in London, naval delegate; Colonel of the Admiralty Ovtchinnikow, professor of international law at the naval academy, naval delegate; Baron Nolde, official of the sixth class for special missions attached to the minister for foreign affairs, professor of international law at the Polytechnic Institute of St. Petersburg,

technical delegate; M. Linden, head of department at the imperial ministry of trade and commerce, technical delegate.

In a series of meetings held from December 4, 1908, to February 26, 1909, the Conference decreed with a view to its submission to the signature of its Plenipotentiaries *the Declaration regarding the law of maritime war*, the text of which is annexed to the present Protocol.

Moreover, the following wish has been adopted by the Delegates of the Powers which have signed or which have expressed the intention of signing The Hague Convention dated October 18, 1907, for the establishment of an International Prize Court:

The delegates of the powers represented at the naval conference which have signed or expressed the intention of signing the convention of The Hague of the 18th October, 1907, for the establishment of an international prize court, having regard to the difficulties of a constitutional nature which, in some States, stand in the way of the ratification of that convention in its present form, agree to call the attention of their respective Governments to the advantage of concluding an arrangement under which such States would have the power, at the time of depositing their ratifications, to add thereto a reservation to the effect that resort to the international prize court in respect of decisions of their national tribunals shall take the form of a direct claim for compensation, provided always that the effect of this reservation shall not be such as to impair the rights secured under the said convention either to individuals or to their governments, and that the terms of the reservation shall form the subject of a subsequent understanding between the powers signatory of that convention.

In faith whereof the plenipotentiaries and the delegates representing those plenipotentiaries who have already left London have signed the present protocol.

Done at London the twenty-sixth day of February, one thousand nine hundred and nine, in a single original, which shall be deposited in the archives of the British Government and of which duly certified copies shall be sent through the diplomatic channel to the powers represented at the naval conference.

For Germany:

KRIEGE.

For the United States of America:

C. H. STOCKTON.
GEORGE GRAFTON WILSON.

For Austria-Hungary:

C. DUMBA.

For Spain:

RAMON ESTRADA.

For France:

L. RENAULT.

For Great Britain:

DESART.

For Italy:

GIOVANNI LOVATELLI.

For Japan:

T. SAKAMOTO.
E. YAMAZA.

For the Netherlands:

J. A. ROELL.
L. H. RUYSSENAERS.

For Russia:

F. BEHR.

CALL OF CONFERENCE BY GREAT BRITAIN.

BRITISH EMBASSY, *March 27, 1908.*

The Hon. ELIHU ROOT, *etc., etc., etc.*

SIR: The draft convention for the establishment of an international court of appeal in matters of prize which formed annex 12 to the final act of the second peace conference has been under the consideration of His Majesty's Government.

Article 7 of the convention provides that, in the absence of treaty stipulations applicable to the case, the court is to decide the appeals that come before it in accordance with the rules of international law, or if no generally recognized rules exist, in accordance with the general principles of justice and equity.

The discussions which took place at The Hague during the recent conference showed that on various questions connected with maritime war divergent views and practices prevailed among the nations of the world. Upon some of these subjects an agreement was reached, but on others it was not found possible, within the period for which the conference assembled, to arrive at an understanding. The impression was gained that the establishment of the international prize court would not meet with general acceptance so long as vagueness and uncertainty exist as to the principles which the court, in dealing with appeals brought before it, would apply to questions of far-reaching importance affecting naval policy and practice.

His Majesty's Government therefore propose that another conference should assemble during the autumn of the present year, with the object of arriving at an agreement as to what are the generally recognized principles of international law, within the meaning of paragraph 2 of article 7 of the draft convention, as to those matters wherein the practice of nations has varied and of then formulating the rules which, in the absence of special treaty provisions applicable to a particular case, the court should observe in dealing with appeals brought before it for decision.

The rules by which appeals from national prize courts would be decided affect the rights of belligerents in a manner which is far more serious to the principal naval powers than to others, and His Majesty's Government are therefore communicating only with the Governments of Austria-Hungary, France, Germany, Italy, Japan, Russia, Spain, and the United States of America. They would propose that the conference should assemble in October and, if it is agreeable to the Governments of those countries, they would suggest that it should meet in London.

The questions upon which His Majesty's Government consider it to be of the greatest importance that an understanding should be reached are those as to which divergent rules and principles have been enforced in the prize courts of different nations. It is therefore suggested that the following questions should constitute the program of the conference:

(*a*) Contraband, including the circumstances under which particular articles can be considered as contraband; the penalties for their carriage; the immunity of a ship from search when under convoy; and the rules with regard to compensation where vessels have been seized, but have been found in fact only to be carrying innocent cargo:

(*b*) Blockade, including the questions as to the locality where seizure can be effected, and the notice that is necessary before a ship can be seized;

(*c*) The doctrine of continuous voyage in respect both of contraband and of blockade;

(*d*) The legality of the destruction of neutral vessels prior to their condemnation by a prize court;

(*e*) The rules as to neutral ships or persons rendering "unneutral service" ("assistance hostile");

(*f*) The legality of the conversion of a merchant vessel into a warship on the high seas;

(*g*) The rules as to the transfer of merchant vessels from a belligerent to a neutral flag during or in contemplation of hostilities;

(*h*) The question whether the nationality or the domicile of the owner should be adopted as the dominant factor in deciding whether property is enemy property.

His Majesty's Government are deeply sensible of the great advantage which would arise from the establishment of an international prize court, but in view of the serious divergences that the discussion at The Hague brought to light as to many of the above topics after an agreement had practically been reached on the proposals for the creation of such a court, it would be difficult, if not impossible, for His Majesty's Government to carry the legislation necessary to give effect to the convention unless they could assure both Houses of the British Parliament that some more definite understanding had been reached as to the rules by which the new tribunal should be governed.

If the program outlined above is concurred in by the Governments to which it has been submitted, it would be convenient if, on some subsequent date, as for instance the 1st August, the Governments were to interchange memoranda setting out concisely what they regard as the correct rule of international law on each of the above points, together with the authorities on which that view is based. This course would greatly facilitate the work of the conference, and materially shorten its labors.

My Government instruct me to address a communication in this sense to the United States Government, expressing at the same time the hope that if that Government are favorable to the idea of the conference being held, they will send a delegate furnished with full powers to negotiate and conclude an agreement.

I have the honor to be, with the highest consideration, sir,

Your most obedient, humble servant,

JAMES BRYCE.

INSTRUCTIONS TO THE AMERICAN DELEGATES TO THE CONFERENCE AT LONDON TO FORMULATE RULES TO BE OBSERVED BY THE INTERNATIONAL PRIZE COURT.

Messrs. CHARLES H. STOCKTON AND GEORGE G. WILSON.

GENTLEMEN: You have been appointed delegates plenipotentiaries to represent the United States at the conference to be held at London on December 1, 1908, to formulate rules to be observed by the international prize court.

Article 7 of the convention relative to the creation of an international prize court, signed at The Hague, October 18, 1907, provides that—

> If a question of law to be decided is covered by a treaty in force between the belligerent captor and a power which is itself or whose subject or citizen is a party to the proceedings, the court is governed by the provisions of the said treaty.
>
> In the absence of such provisions, the court shall apply the rules of international law. If no generally recognized rule exists, the court shall give judgment in accordance with the general principles of justice and equity.
>
> The above provisions apply equally to questions relating to the order and mode of proof.
>
> If, in accordance with articles 3, 2, *c*, the ground of appeal is the violation of an enactment issued by the belligerent captor, the court will enforce the enactment.
>
> The court may disregard failure to comply with the procedure laid down in the enactments of the belligerent captor, when it is of opinion that the consequences of complying therewith are unjust and inequitable.

This article, proposed by the British delegation and adopted by the conference, has proved unsatisfactory to the British Government, which has called a conference of maritime powers in order to determine in advance of the establishment of the court the rules of law to govern its decisions in matters of prize submitted for its determination.

The first paragraph of article 7 is clear and explicit, providing, as it does, that the court is to be governed by the provisions of a treaty in force between the litigating nations covering the question of law involved.

The first sentence of the second paragraph of the seventh article provides that in the absence of treaties between litigating parties "the court shall apply the rules of international law." If the rules of international law relating to prize were codified and accepted as an authoritative statement of the law of prize, the questions presented to the court for its determination would be decided with reference to a code of laws equally binding upon the signatory powers. In as far as the law of prize has been codified the provision in question is clear and definite. The absence of a general agreement upon the rules of international law is recognized in the concluding sentence of the paragraph under consideration, which provides that "if no generally recognized rule exists, the court shall give judgment in accordance with the general principles of justice and equity." This provision of the article has given rise to great discussion and dissatisfaction, because wide divergence of view exists as to the law properly applicable in such case. For example, in Anglo-American jurisprudence the laws of contraband and blockade constitute a system recognized generally as the Anglo-American system, whereas the laws of contraband and blockade definitely understood on the Continent are applied in the continental as distinguished from the Anglo-American sense. As, therefore, it can not be said that there is any general rule regulating the subject, as the partisans of each system judge and determine for themselves each case as it arises, it necessarily follows that the court would be obliged to determine which system is considered as more conformable "with the general principles of justice and equity."

In its note of March 27, 1908, inviting a conference, the British Government stated that—

> The discussions which took place at The Hague during the recent conference showed that on various questions connected with maritime war divergent views and practices prevailed among the nations of the world. Upon some of these subjects an agreement was reached, but on others it was not found possible, within the period for which the conference assembled, to arrive at an understanding. The impression was gained that the establishment of the international prize court would not meet with general acceptance so long as vagueness and uncertainty exist as to the principles which the court, in dealing with appeals brought before it, would apply to questions of far-reaching importance affecting naval policy and practice.

The subjects upon which an agreement was considered indispensable by the British Government in order to enable the international prize court to perform the high services expected of this establishment were the following:

> (*a*) Contraband, including the circumstances under which particular articles can be considered as contraband; the penalties for their carriage; the immunity of a ship from search when under convoy; and the rules with regard to compensation where vessels have been seized, but have been found in fact only to be carrying innocent cargo.
> (*b*) Blockade, including the questions as to the locality where seizure can be effected, and the notice that is necessary before a ship can be seized.
> (*c*) The doctrine of continuous voyage in respect both of contraband and of blockade.
> (*d*) The legality of the destruction of neutral vessels prior to their condemnation by a prize court.
> (*e*) The rules as to neutral ships or persons rendering "unneutral service" ("assistance hostile").
> (*f*) The legality of the conversion of a merchant vessel into a warship on the high seas.
> (*g*) The rules as to the transfer of merchant vessels from a belligerent to a neutral flag during or in contemplation of hostilities.
> (*h*) The question whether the nationality or the domicile of the owner should be adopted as the dominant factor in deciding whether property is enemy property.

The importance attached by the British Government to an agreement upon these various subjects enumerated in the program is evidenced by the fact that it is stated in the British note that "it would be difficult, if not impossible, for His Majesty's Government to carry the legislation necessary to give effect to the convention unless they could assure both Houses of the British Parliament that some more definite understanding had been reached as to the rules by which the new tribunal should be governed."

In order to facilitate this agreement the British Government suggested that the governments invited to the conference "interchange memoranda setting out concisely what they regarded as the correct rule of international law on each of the above points, together with the authorities on which that view is based."

In reply to the request of the British Government that memoranda be exchanged I stated that—

> The department has given careful consideration to the suggestion that each government invited to the conference prepare and exchange memoranda setting forth its practice in the matters specifically mentioned in the tentative program for the conference submitted in the British embassy's note of March 27.
> The attitude of the United States is well known to each of the participating powers, as is their maritime practice to the delegates appointed by the United States. The delegates to the Second Hague Peace Conference were thus instructed by the Secretary of State:

"As to the framing of a convention relative to the customs of maritime warfare, you are referred to the Naval War Code promulgated in General Orders 551 of the Navy Department of June 27, 1900, which has met with general commendation by naval authorities throughout the civilized world, and which in general expresses the views of the United States, subject to a few specific amendments suggested in the volume of international law discussions of the Naval War College of the year 1903, pages 91 to 97. The order putting this code into force was revoked by the Navy Department in 1904, not because of any change of views as to the rules which it contained, but because many of those rules, being imposed upon the forces of the United States by the order, would have put our naval forces at a disadvantage as against the forces of other powers, upon whom the rules were not binding. The whole discussion of these rules contained in the volume to which I have referred is commended to your careful study.

"You wil urge upon the peace conference the formulation of international rules for war at sea and will offer the Naval War Code of 1900, with the suggested changes and such further changes as may be made necessary by other agreements reached at the conference, as a tentative formulation of the rules which should be considered."

The attitude of the United States has not changed since the conference, and the relevant portion of the instructions copied for your information are as applicable to the maritime conference as they were to the Second Hague Peace Conference.

I have the honor, therefore, to transmit herewith copies of the Naval War Code of 1900 and of the volume of International Discussions of the Naval War College of the year 1903, containing the amendments to be made to the Naval War Code of 1900, to serve as a basis of discussion in the conference, subject, of course, to amendment, in lieu of the memoranda proposed to be prepared and exchanged by each power invited to the maritime conference.

A like reply was sent in acknowledging the memoranda transmitted to the Department of State by Austria-Hungary, Germany, Japan, Netherlands, Russia, Spain, copies of which you have already received in due course.

As you are familiar with the law, practice, and policy of the United States concerning each of the matters mentioned in the tentative program of the British Government, it does not seem necessary to furnish you precise instructions on each of the points with which the conference will be called to deal. You are, however, provided with a copy of the instructions to the American delegation to The Hague Conference of 1907, and you are directed to guide yourselves in the consideration of any matter discussed at the conference by the general and specific provisions of the instructions relating to maritime warfare and the rights and duties of neutrals. You are accordingly authorized and instructed to present to the conference, as a basis for discussion, the Naval War Code promulgated in General Orders 551 of the Navy Department of June 27, 1900, as modified by the specific amendments suggested in the volume of International Law Discussions of the Naval War College for the year 1903, pages 91–97, and you will endeavor, in your discretion, to secure as far as possible the adoption in conventional form of their provisions.

As the United States has not yet ratified the convention for the establishment of the international prize court, signed at The Hague on October 18, 1907, and as the ratification of the instrument is rendered difficult by reason of objections of a constitutional and internal nature not obtaining in other countries, you will be careful not to assume an attitude or position in the discussions of the conference which may seem to commit the United States to the ratification of the convention for the establishment of the court, or to commit this

Government, by an acceptance of the general rules of maritime warfare to be formulated by the conference, to create the international court of prize provided for in the convention signed at The Hague on October 18, 1907.

While taking an active part in the deliberations of the conference and cooperating with the various powers represented in order to render it a success by securing the adoption of a satisfactory code of maritime warfare, you will discuss the questions presented in the light of general theory and practice, without specific reference or application to the proposed international prize court.

The department is, however, desirous that the international court of prize may be established in general accord with the provisions of the convention concluded at The Hague on October 18, 1907, and in order to facilitate its establishment you will propose to the conference an additional article or protocol for the consideration of and eventual acceptance by the conference, by which each signatory of the convention of October 18, 1907, shall possess the option, in accordance with local legislation, either to submit the general question of the rightfulness of any capture to the determination of the international prize court or to permit an appeal from the judgment of a national court in a specific case direct to the international court of prize, as contemplated by the convention of October 18, 1907.

In the view of the department the following draft would be not merely satisfactory, but calculated to remove the objections made to the establishment of the international court of prize:

Any signatory of the convention for the establishment of an international court of prize, signed at The Hague on October 18, 1907, may provide in the act of ratification thereof, that, in lieu of subjecting the judgments of the courts of such signatory powers to review upon appeal by the international court of prize, any prize case to which such signatory is a party shall be subject to examination de novo upon the question of the captor's liability for an alleged illegal capture, and, in the event that the international court of prize finds liability upon such examination de novo, it shall determine and assess the damages to be paid by the country of the captor to the injured party by reason of the illegal capture.

Following the precedents established by international conferences, all your reports and communications to this Government will be made to the Department of State for proper consideration and eventual preservation in the archives. Should you be in doubt at any time regarding the meaning or effect of these instructions, or should you consider at any time that there is occasion for special instructions, you will communicate freely with the Department of State by telegraph.

I am, gentlemen, your obedient servant,

ELIHU ROOT.

DEPARTMENT OF STATE,
Washington, November 21, 1908.

REPORT OF THE DELEGATES OF THE UNITED STATES TO THE INTERNATIONAL NAVAL CONFERENCE HELD AT LONDON, DECEMBER 4, 1908, TO FEBRUARY 26, 1909.

AMERICAN EMBASSY,
London, 2d March, 1909.

The Hon. ROBERT BACON,
Secretary of State.

SIR: We have the honor to inform you that the international naval conference called at London in October, 1908, and later postponed until December, 1908, assembled at the foreign office in London on December 4, at noon. Sir Edward Grey, secretary of state for foreign affairs, extended welcome to the conference on behalf of Great Britain. The conference then proceeded to organization, electing the Earl of Desart, British plenipotentiary, as president. The following powers were represented in accordance with the invitation given them: Germany, the United States, Austria-Hungary, Spain, France, Great Britain, Italy, Japan, Holland, and Russia.

The conference, after a few plenary meetings, resolved itself into a commission, in order that the topics before it might be considered in a less formal manner. After the topics had received considerable discussion a committee of examination was appointed with a view to reducing the material presented to a definite form for the consideration of the commission. After consideration by the commission the subjects would go to the conference in plenary session for final action. The distinguished French jurist, Monsieur L. Renault, head of the French delegation, was elected the chairman of the commission and of the committee of examination and finally rapporteur général. The call of the conference and the rules adopted for its procedure are appended to this report (Exhibits A and B).

The British Government, in order to facilitate the work of the conference, called for a memorandum of the views of each power as to their practice in matters covered by the subjects named in the call for the conference.

The memoranda thus sent was finally translated into French and arranged together in a Red Book in various ways and under several heads with convenient bases of discussion. This book, a copy of which has been duly forwarded to the department, proved to be of great value, especially in the earlier days of the conference, in crystallizing views and showing points of agreement and variance upon the subjects treated by the conference.

The rules, finally formulated by the conference into a declaration relative to the laws of maritime war, number 64 in all, and cover the subjects, arranged by chapters, of Blockade in Time of War, Contraband of War, Unneutral Service, Destruction of Neutral Prizes, Transfer of Flag, Enemy Character, Convoy, Resistance to Visit and Indemnity.

After the completion of the formulation of the rules above mentioned the conference, considering the difficulties that may arise on account of the constitutional requirements of certain states which might prevent them from becoming parties to The Hague convention for the establishment of the international prize court of appeal, drew up a protocol of closure in which a "voeu" (or wish) was expressed

to their several Governments calling attention to the advantage that would arise from the conclusion of an arrangement by which the states affected by such constitutional difficulties could have recourse to the international prize court by presenting each case de novo, without affecting the rights guaranteed by the convention either to private persons or to their Governments. This protocol, with its included "voeu," was the result of continued efforts made by the American delegation at the instance of the Department of State. It was signed by all of the plenipotentiaries present, or by the delegates present who had temporarily taken their places.

The final signing of the declaration of the protocol was effected on the 26th February, after which the conference adjourned sine die.

Chapter I.—Blockade in Time of War.

These rules are definitely understood to have no reference to what has been called "pacific blockade."

The general principles in regard to blockade set forth in the Declaration of Paris, April 16, 1856, which have been interpreted by courts, and are therefore fairly established, are reaffirmed.

The right of the commander of the blockading force to allow or to refuse admission to a blockaded port to neutral public ships, or neutral vessels in distress, is recognized.

The method of establishing and raising a blockade is made more clear. Certain States which had customarily maintained a position which required notification of the existence of blockade at the line of blockade made concessions to those which, like the United States, had stood for the principle of public notification to the Government whose flag the ship flies.

Some States, including the United States, had formerly maintained that the liability for the violation of the blockade continues until the vessel has reached her home port or completed her voyage. With the development of modern commerce there has arisen much difference of opinion as to what constitutes a home port or completion of voyage, and in fact the route of many vessels, such as tramp cargo steamers, is determined by the cargo available at the time, and such a vessel may not return to the port of departure for months. Under these circumstances and with a view to avoiding undue interference with neutral commerce, while at the same time retaining the freedom of action for the belligerent, a rule was drawn up and met with general favor, to the effect that the ship guilty of violation of blockade is liable to seizure so long as it is pursued by a ship of the blockading force within the area of blockading operations known as the "rayon d'action," or before entering a neutral port to complete her voyage.

Confiscation is the general penalty for violation of blockade.

The question receiving the most attention was that of "rayon d'action." Certain States were in favor of a limitation of the "rayon d'action" to a very small area. The American delegation regarded this limitation as opposed to the principles which it should support. The form of regulation finally adopted is as follows:

Neutral vessels can not be captured for breach of blockade except within the area of operations of the war ships detailed to render the blockade effective.

Statements made by the United States upon the subjects of blockade and area of operations are herewith appended—Annex B and Annex C.

Chapter II.—Contraband of War.

The question of contraband involved many difficulties which can be readily understood when the various memoranda submitted by the powers on that subject are consulted. It is to the credit of the conference as a whole, and of its delegates singly, that an agreement, satisfactory from so many different points of view, was reached. These rules are more in harmony with modern conditions than those formerly existing, and lighten the burden of neutrals in war time without sacrificing belligerent rights.

The conference adheres to the old nomenclature of absolute and conditional contraband, adding, however, a free list of articles which can not be considered contraband of war.

The first list—that of absolute contraband—is the one virtually agreed upon at The Hague, which, to prevent prolonged discussion and in accordance with instructions from the department, was accepted as a whole by the American delegation. Item No. 7, concerning horses, etc., was found objectionable by one delegation, and if an amendment had been allowed to the list, their objection would have been supported by the American delegation, as horses, mules, etc., in the United States could be considered as conditional contraband. In European countries, however, liable as their inhabitants are to forced requisitions for horses, etc., they may be logically considered as absolute contraband. The list as adopted omits many articles named in the various memoranda, such as canned provisions, sulphur, saltpeter, and other materials used in the fabrication of explosives, which, if included, would have been prejudicial to the United States, and also omits cotton, which under one memorandum might easily have been included.

The second list of contraband—that of conditional contraband—depends for determination of character upon the destination, whether for peaceful or warlike purposes.

If by changes in warfare other materials outside of the free list become adapted to the uses of war, they can be added to the lists of absolute or conditional contraband by means of a published notification to the other powers either before or after the opening of hostilities.

The free list consists of 17 groups of articles, as follows:

1. Raw cotton, wool, silk, jute, flax, hemp, and other raw materials of the textile industries, and yarns of the same.
2. Oil seeds and nuts; copra.
3. Rubber, resins, gums, and lacs; hops.
4. Raw hides and horns, bones, and ivory.
5. Natural and artificial manures, including nitrates and phosphates for agricultural purposes.
6. Metallic ores.
7. Earth, clays, lime, chalk, stone, including marble, bricks, slates, and tiles.
8. Chinaware and glass.
9. Paper and paper-making materials.
10. Soap, paint, including articles exclusively used in their manufacture, and varnish.
11. Bleaching powder, soda ash, caustic soda, salt cake, ammonia, sulphate of ammonia, and sulphate of copper.
12. Agricultural, mining, textile, and printing machinery.

13. Precious and semiprecious stones, pearls, mother-of-pearl, and corals.
14. Clocks and watches, other than chronometers.
15. Fashion and fancy goods.
16. Feathers of all kinds, hairs, and bristles.
17. Household furniture; office furniture and requirements.

The establishment of this list is of great benefit to the sea-borne foreign trade of all countries, and especially to that of the United States, whose exports and imports would be greatly affected by any uncertainty regarding cotton, wool, silk, jute, flax, cotton seed, rubber, hides, fertilizers, metallic ores, paper and paper-making materials, chemicals, agricultural and other machinery, clocks and watches, furniture, etc. Drugs and medicines, and material for the sick and wounded, are included among those not contraband of war, but can be requisitioned with compensation for the needs of the sick and wounded of the captor.

The doctrine of continuous voyage is retained with respect to absolute contraband and well defined in article 30. The doctrine of continuous voyage in any form has heretofore been considered as nonexistent by several European powers, and it was a very considerable concession upon their part to accept it as applied to absolute contraband. On our part, in giving up continuous voyage as applied to conditional contraband and blockade we gave up a belligerent right now regarded as of little value. The articles of conditional contraband carried by neutral carriers would be bulky and difficult to trace when bound for the common stock of a neutral country. Not being earmarked, they would be most difficult of seizure when afloat. They would be, as a rule, matters of export by us as neutrals, and would be such materials as foodstuffs, oats, hay, railway materials, coal, oil, barbed wire, horseshoes, etc. It is unnecessary to say that to free such articles from the fetters of the continuous-voyage doctrine would be of great service to our trade during war in which the United States is a neutral.

Much relief is afforded to neutrals in respect to the penalty of carrying contraband. In the first place, the ship is not subject to confiscation unless more than half of the cargo is contraband, to be determined either by weight, volume, value, or freight value.

A rule was adopted that a ship seized for carrying contraband, although not itself liable to confiscation because the proportion of contraband was below one-half, could be authorized to proceed according to circumstances if the captain was ready to deliver the contraband articles to the belligerent man-of-war. The captor in such a case has the option of destroying the contraband which is thus delivered to him. This procedure is one of value, as it saves from capture and detention a neutral liner filled with passengers, mails, and valuable freight, which might have a small amount of contraband known or unknown to its captain and owner. This procedure is also in conformity with many treaties made by the United States, dating from 1783 to 1864. It avoids vexatious seizure of neutral vessels—bad enough in the times of small vessels, but intolerable with the great liners of to-day.

Chapter III.—Unneutral Service.

Certain acts, to which, by forced interpretation, the doctrines of contraband or of blockade had at times been extended, are recognized as differing both in nature and in penalty from contraband and

blockade. Thus much confusion is avoided in time of war upon the sea. Penalty of confiscation of ship for transport of troops and dispatches for the belligerent, and for cooperation in assisting the enemy, is provided, and in general, penalties are as for carriage of contraband. The penalty of confiscation and treatment as an enemy ship is provided for a ship taking direct part in hostilities, under orders of the belligerent, wholly loaded by the enemy government or when exclusively used in transport service of the enemy.

The aim of article 48 is to justify the taking of an officer incorporated in the armed forces from a ship without bringing the ship, if it be a large vessel, into port for adjudication, and also to allow the arrest of an officer or officers of high rank who, in disguise or incognito and unknown to the captain of the vessel, are on board of a neutral liner. In this case a want of knowledge on the part of the proper authorities of the vessel might readily clear the vessel from any taint and show there was no proper reason for sending in the ship, but the right to take the prisoner seems important. The least objectionable action would be to take the enemy officer, but allow the ship to proceed.

Chapter IV.—Destruction of Neutral Prizes.

This question was considered very fully and frankly by the conference. Views at first thought to be widely divergent were found to be similar in many respects. While some proclaimed the right to destroy neutral prizes, no one admitted that this could be done except for grave reasons. While some denied the right to destroy, all were inclined to admit that there might be exceptional circumstances under which destruction must be permitted.

All admitted that in general a neutral prize ought not to be destroyed, but should be taken to a prize court; but under exceptional circumstances a vessel otherwise liable to confiscation might be destroyed, though it would be necessary to care for persons and papers on board.

Necessity for destruction must be first established, and the further fact that the vessel would in any case be liable to confiscation must also be established, though if the necessity for destruction is not established, the liability of the state of the destroying vessel to pay indemnity is recognized whether or not the neutral vessel is guilty. The owner of neutral merchandise on board which is not liable to confiscation is also entitled to indemnity. Thus restraint commensurate with the gravity of the act is provided. A belligerent commander destroying a neutral vessel puts his government under grave responsibilities, which are here recognized. The conclusion set forth in these rules seems to be in accord with the doctrine of the United States.

Chapter V.—Transfer of Flag.

The subject of transfer of flag of a ship in consequence of sale in anticipation of or during war was the subject of frequent and prolonged discussion. A private ship of the enemy would be liable to capture in time of war, while the ship of a neutral would be free. It is natural, therefore, that the owners of ships which would be liable

to capture in time of war should desire to avoid this liability by selling the ships to a neutral and placing them under a free flag. At the same time a belligerent does not wish to be deprived of the opportunity to attack ships which are really enemy ships, though they may be for the time flying a neutral flag. Thus there arises in time of war the conflict between the right of the neutral to trade with one belligerent and the right of the other belligerent to interfere with belligerent commerce.

It has been decided that commerce in ships in time of war is, in general, not legitimate unless it is bona fide commerce and not undertaken to evade the consequences to which the ship would be liable if it retained the enemy flag. The burden of proof of validity of the transfer is placed on the vendor. In all such cases commerce would be regarded as illegitimate when the transfer is made (1) in transitu or in a blockaded port, (2) with the right of repurchase or return, or (3) contrary to the laws of the flag which it bears.

It would also be possible, and to some extent has been the practice, for shipowners anticipating war to make transfers just before the outbreak of war. Such transfers, when made with the view to evading the consequences of the war and not as commercial transactions, are not regarded as legitimate, but the burden of proof rests upon the captor, except when the papers in regard to the transfer, which has been made within 60 days before the outbreak of war, are not on board. In this exceptional case the burden of proof of the validity of the transfer is placed on the vessel, as there is not sufficient evidence at hand in the ship's papers to enable the captor to release the ship.

It would, however, be an undue interference with commerce if all sales or sales made a long time before the war were liable to be regarded as invalid. It is therefore decided that sales made more than 30 days before the war, even though made with the idea of evading the consequences of a war which might subsequently break out, would be valid unless there is some irregularity in the transfer itself, or unless it is not an actual transfer, evidence of which might be in the fact that the profits and control remain in the same hands as before the sale.

There are thus established three periods under which transfer of flag is considered, (1) during war, when burden of proof of the validity of the transfer rests upon the vender; (2) a period of 30 days before the war, during which it is necessary for the captor to prove that the transfer is made to evade the consequences of war; and (3) the period prior to 30 days, when, regardless of whether or not the transfer is made to escape the consequences of war, it is necessary for the captor to establish that the transfer itself is irregular, or not in fact a transfer. It is also necessary that in order to have advantages of these provisions, a vessel transferred within 60 days before the war shall have the papers relating to the sale on board.

These provisions establish much more definite rules, where formerly there had been great diversity of practice among States, or even diversity in the same State at different periods. Commerce in ships is recognized as legitimate under such restrictions as seem necessary in order to safeguard belligerent rights.

The attitude of the American delegation is shown in the "Exposé" (Annex 00) appended. The American delegation advocated the adoption of a rule to the following effect:

A transfer effected before the outbreak of war is valid if it is absolute, complete, bona fide, and conforms to the legislation of the States interested, and if it has for its effect that neither the control of the ship, nor the profits arising from its use, remain longer in the same hands as before the transfer.

If the captor can establish that the above conditions have not been fulfilled, the transfer is presumed to have intervened with the intention to evade the consequences of war, and is null.

This rule, practically as above, was adopted.

The American delegation also advocated the placing of a definite limit to the period during which transfers made before the war could be questioned, and such a provision was finally adopted by the conference.

Thus the rights of belligerents and of neutrals are defined and safeguarded.

Chapter VI.—Enemy Character.

The consideration of this topic was intrusted to a "comité juridique" consisting of one member from each delegation. The States represented at the conference were found to be equally divided, five favoring the principle of domicile of the proprietor as the criterion of character of goods found on an enemy vessel and five favoring nationality. After many meetings, it was found impossible to reach an agreement, and this question was left open, the rule stating that—

The neutral or enemy character of merchandise found on board an enemy ship is determined by the neutral or enemy character of its proprietor.

What principle should decide the neutral or enemy character of the proprietor is not determined.

The other rules in regard to enemy character in the main formulate existing practice.

Chapter VII.—Convoy.

Great Britain formerly refused to admit the right of convoy of neutral merchant vessels by neutral ships of war. In a spirit of conciliation that Government receded from its former position and admitted the right of convoy. There remained then only the determination of the method of its exercise. The American delegation steadily maintained that as the effect of convoy was in the main to remove the vessels under escort from the belligerent right of visit and search, the convoying officer should assume the responsibility for the vessels under his control. Naturally a war vessel of a belligerent approaching a convoy would be entitled to obtain the information in regard to the vessels under convoy that it would obtain from an actual visit to the vessels if they were not under convoy. The officer in command of the public vessel convoying the merchant vessels should be prepared to furnish this information. The commander of the vessel of the belligerent may have reason to believe that the convoying officer has been deceived, and in such case may properly request that his suspicions be considered. The convoying officer should investigate, and may if he desires allow an officer from the

belligerent vessel to share the investigation, and should inform the commander of the belligerent of the results of his investigation.

If the commander of the convoy finds that a vessel to which he has given escort is, in his opinion, violating his good faith, he ought to withdraw his protection. Such a vessel has forfeited its right to protection, and, in justice both to other neutrals and the belligerent, ought to be liable for the consequences.

This rule was drawn with view to affording the greatest convenience and service to neutrals, without depriving belligerents of proper war rights. In spirit it accords with both American doctrine and treaties.

Chapter VIII.—Resistance to Visit and Search.

A general accord was found in the opinion upon this subject, and the following rule was adopted:

Resistance by force to the legitimate exercise of the right of visit, search, or seizure renders the vessels in all cases liable to confiscation. The cargo is liable to the same treatment as the cargo of an enemy ship. The merchandise belonging to the captain or to the owners of the ship is regarded as enemy merchandise.

Chapter IX.—Indemnity for Seizure.

It has been recognized by prize courts that in cases of unjust seizure the vessel seized should receive indemnity for the loss, inconvenience, and delay which it has suffered. It is also recognized that the vessel while innocent may appear to be guilty, and that the captor has a right to demand that the vessel be clearly innocent. This would not be the case if the papers were irregular, if the vessel were far out of its course and near a blockaded port, or otherwise evidently open to suspicion. Such grounds might justify the belligerent in taking the vessel to a prize court, but might not justify condemnation by the court.

That the rights of both belligerents and neutrals might be secured a rule in accord with general practice was formulated to the effect that when the seizure of a ship or merchandise is declared null by the prize court, or if, without being brought to judgment, the seizure of the vessel is not sustained, the persons interested have a right to indemnity unless there have been sufficient reasons for the seizure of ship or merchandise.

Conclusion.

In closing this report, the American delegation to the International Naval Conference desires to state that the declaration adopted by the conference, defining the relations between belligerents and belligerents, and between belligerents and neutrals, will, without interfering with legitimate belligerent or neutral action, remove many of the reasons for international friction and misunderstanding, which until the present time have frequently existed. Ten powers have reached an agreement upon matters which, if left to divergent practice, and solely to national prejudice, would have made some of the earnest hopes of the conferences at The Hague and the desires often expressed by the United States Government impossible of realization.

We desire to recognize the uniform courtesy and hospitality of the British Government, and we specially desire to express our appreciation of the great assistance rendered to us in many ways by the American ambassador in London, and by the various members of the embassy staff.

We have the honor to be, sir,
Your obedient servants,

C. H. Stockton,
George Grafton Wilson,
Delegates Plenipotentiary to the International Naval Conference.
Ellery C. Stowell,
Secretary of the Delegation.

Exhibit A.—*Call of conference by Great Britain.*

[Printed ante, p. 326.]

Exhibit B.—*Rules of procedure.*

1. Plenipotentiary and nonplenipotentiary delegates have equally the right of speaking in the discussions of the conference.
2. Secretaries of the delegations may accompany the members of their delegation at all the sessions of the conference.
3. The sessions of the conference are not public. Its deliberations remain strictly confidential.
4. The French language is recognized as the official language for the deliberations and acts of the conference. Speeches delivered in another language are given orally in outline in French.

Exhibit C.—*Statement of the delegation of the United States of America regarding the "radius of action."*

The American delegation accepts in principle basis No. 24 with the reservation that the belligerent or the officer in command of the blockading force shall have the right to fix the length of the radius of action which, according to our desire, should not exceed 1,000 miles. The radius of action or zone of operation should be defined, immediately upon the declaration of blockade, by the officer in command of the blockading force, in conformity with article 18. The American delegation does not wish to impose upon belligerents set rules as to the length of radius of action, but simply to ask the right to fix a maximum of 1,000 miles when circumstances so demand. The delegation concurs in the remarks of Rear Admiral Le Bris regarding the nature of the radius of action to vary with geographical conditions, the propinquity of neutral ports and interests of neutral commerce, as well as with the force employed.

By determining the area of the zone of operation the delegation intends to ask that the force employed be proportionate to the zone. No country has been more steadfast than the United States in its

opposition to paper blockades and it holds that the force charged with the duty of enforcing the blockade must be proportionate to the zone affected thereby.

The delegation adds, in explanation of the wide expanse of the desired radius of action, that the demand rests on the ground that blockade running is becoming more and more a night operation and that it is difficult to capture a vessel before daybreak after it has put to sea. The final chase and capture take place where, properly speaking, the outer line of the blockading force is stationed. The distance of that line varies with the length of night darkness which may reach 16 hours, and the speed of the vessels, which may reach 30 knots. The distance may thus represent a zone of 480 miles, and even more if the inner line be very far from the entrance of the port.

EXHIBIT D.—*Statement of the delegation of the United States regarding the pursuit of ships in cases of blockade running.*

As regards article 25, the delegation, while believing that the article could advantageously be combined with article 24 so as to deal with the question of blockade as a whole, accepts the article under the reservation that pursuit is considered as continuous and not abandoned, in the meaning of the article, even though it should be abandoned by one line of the blockading force to be resumed after a while by a ship of the second line until the limit of the radius of action shall have been reached. Under certain conditions there may even be several lines, each one with its respective pursuit zones.

EXHIBIT E.

The American delegation regrets that it finds it necessary to make a reservation on article 1 of the rules relative to the transfer of the flag. It holds that a rule which reads—

> The transfer of a hostile vessel to a neutral flag, effected before the opening of hostilities, is valid unless it should be established that the transfer was effected with a view to eluding the consequences that go with the character of a hostile vessel—

does not agree with the spirit of the modern rules concerning war, adopted at The Hague, whose object is—

> to guarantee the safety of international commerce from the fortunes of war and wishing, in accordance with modern practice, to protect as far as possible transactions entered into in good faith and in progress before the opening of hostilities.

Neither does it agree with the principle which would restrict the effects of war to the duration of hostilities.

The rule as proposed seems to aim at depriving business men of the legitimate advantages of their foresight. It does not say how long the vessel shall be held in possession before the opening of hostilities whereby ocean commerce, lawful per se, would be protected against the disadvantages of a seizure.

It must be granted that a merchant may in time of peace endeavor, by a sale of his property of whatever nature, to protect himself from

certain consequences flowing from the opening of hostilities. This may apply to a ship as well as to any other form of property.

The proposed rule would have a boundless retroactive effect.

The main object of a rule concerning a transfer of the flag before the opening of hostilities is to preclude transfers that are not bona fide commercial transactions.

It seems to the American delegation that this object could be achieved by adopting some rule, as the following:

A transfer effected before the beginning of the war is valid if absolute, complete, in good faith, and in accordance with the law of the countries concerned, and if its effect is that neither the disposal of the ship nor the profit derived from its use remains in the same hands as before the transfer.

If the captor can prove that the above-mentioned conditions have not been fulfilled, the transfer shall be presumed to have been interposed with the intent of eluding the consequences of war and shall be void.

ARGENTINE REPUBLIC.

1909.

Naturalization Convention.[a]

Signed at Buenos Aires August 9, 1909; ratification advised by the Senate January 12, 1910.

[The text of this convention is taken from the copy printed for the use of the Senate of the United States.]

Articles.

I. Naturalization recognized.
II. Renunciation of naturalization.
III. Definition of citizen.
IV. Liability for prior offenses.
V. Declaration of intention.
VI. Effect; duration; ratification.

The Argentine Republic and the United States of America, led by the wish to regulate the citizenship of those persons who emigrate from the Argentine Republic to the United States of America, and from the United States of America to the Argentine Republic, have resolved to make a Convention on this subject, and have appointed for their Plenipotentiaries, namely:

The President of the Argentine Republic, the Secretary of State, Doctor Victorino de la Plaza and the President of the United States of America the Envoy Extraordinary and Minister Plenipotentiary in the Argentine Republic Mr. Charles H. Sherrill who have agreed upon and signed the following articles:

Article I.

Argentines who may be or shall have been naturalized in the United States of America upon their own application or by their own consent, will be considered by the Argentine Republic as citizens of the United States of America. Reciprocally, citizens of the United States of America who may be or shall have been naturalized in the Argentine Republic upon their own application or by their own consent will be considered by the United States of America as citizens of the Argentine Republic.

Article II.

If a citizen of the Argentine Republic, naturalized in the United States of America, renews his residence in the Argentine Republic, with the intention not to return to the United States of America, he

[a] Not ratified by Argentine Republic.

shall be held to have renounced his naturalization in the United States of America; and, reciprocally, if a citizen of the United States of America, naturalized in the Argentine Republic, renews his residence in the United States of America, with the intention not to return to the Argentine Republic, he shall be held to have renounced his naturalization in the Argentine Republic.

The intention not to return may be held to exist when the person naturalized in one of the two countries resides more than two years in the other; but this presumption may be destroyed by evidence to the contrary.

ARTICLE III.

It is agreed that the word "citizen" as used in this Convention, means a person to whom nationality of the Argentine Republic or the United States of America attaches.

ARTICLE IV.

A recognized citizen of the one party, on returning to the territory of the other, remains liable to trial and punishment for an action punishable by the laws of his original country, and committed before his emigration, but not for the emigration itself, saving always the limitation established by the laws of his original country, and any other remission of liability to punishment.

ARTICLE V.

The declaration of an intention to become a citizen of the one or the other country has not for either party the effect of citizenship legally acquired.

ARTICLE VI.

The present Convention shall enter into execution immediately after the exchange of ratifications, and in case either of the two parties should notify the other of its intention to terminate the same, it shall continue in force for one year counting from the date of said notification.

The present Convention shall be submitted for the approval and ratification of the Competent Authorities of the contracting parties and the ratifications shall be exchanged at Buenos Aires within twenty-four months from that date.

In witness whereof, the representative Plenipotentiaries have signed the articles which precede, in the English and Spanish languages, affixing thereto their seals.

Done in duplicate, at the city of Buenos Aires, this ninth day of August 1909.

CHARLES H. SHERRILL [SEAL]
V. DE LA PLAZA [SEAL]

1910.

Pecuniary Claims Convention Between the United States and Other Powers Represented at the Fourth International Congress of American States.[a]

Signed at Buenos Aires August 11, 1910; ratification advised by the Senate February 1, 1911.

[The text of this convention is taken from the copy printed for the use of the Senate of the United States.]

First. Claims submitted; decisions.
Second. Reference to permanent court of The Hague.
Third. Special jurisdiction.
Fourth. Effect; duration.
Fifth. Denunciation.
Sixth. Duration of treaty of Mexico concerning pecuniary claims.

Their Excellencies the Presidents of the United States of America, Argentine Republic, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay, and Venezuela;

Being desirous that their respective countries may be represented at the Fourth International American Conference, have sent thereto the following delegates, duly authorized to approve the recommendations, resolutions, conventions, and treaties which may be advantageous to the interest of America:

United States of America: Henry White, Enoch H. Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar C. Quintero, Paul Samuel Reinsch, David Kinley.

Argentine Republic: Antonio Bermejo, Eduardo L. Bidau, Manuel A. Montes de Oca, Epifanio Portela, Carlos Rodríguez Larreta, Carlos Salas, José A. Terry, Estanislao S. Zeballos.

United States of Brazil: Joaquin Murtinho, Domicio da Gama, José L. Almeida Nogueira, Olavo Bilac, Gastão da Cunha, Herculano de Freitas.

Republic of Chile: Miguel Cruchaga Tocornal, Emilio Bello Codecido, Aníbal Cruz Díaz, Beltrán Mathieu.

Republic of Colombia: Roberto Ancízar.

Republic of Costa Rica: Alfredo Volio.

Republic of Cuba: Carlos García Vélez, Rafael Montoro y Valdés, Gonzalo de Quesada y Aróstegui, Antonio Gonzalo Pérez, José M. Carbonell.

Dominican Republic: Américo Lugo.

Republic of Ecuador: Alejandro Cárdenas.

Republic of Guatemala: Luis Toledo Herrarte, Manuel Arroyo, Mario Estrada.

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[a] Awaiting ratification by other governments.

Republic of Haiti: Constantin Fouchard.
Republic of Honduras: Luis Lazo Arriaga.
Mexican United States: Victoriano Salado Alvarez, Luis Pérez Verdía, Antonio Ramos Pedrueza, Roberto A. Esteva Ruiz.
Republic of Nicaragua: Manuel Pérez Alonso.
Republic of Panama: Belisario Porras.
Republic of Paraguay: Teodosio González, José P. Montero.
Republic of Peru: Eugenio Larrabure y Unánue, Carlos Alvarez Calderón, José Antonio de Lavalle y Pardo.
Republic of Salvador: Federico Mejía, Francisco Martínez Suárez.
Republic of Uruguay: Gonzalo Ramírez, Carlos M. de Pena, Antonio M. Rodríguez, Juan José de Amézaga.
United States of Venezuela: Manuel Díaz Rodriguez, César Zumeta.

Who, after having presented their credentials and the same having been found in due and proper form, have agreed upon the following Convention on Pecuniary Claims:

First. The High Contracting Parties agree to submit to arbitration all claims for pecuniary loss or damage which may be presented by their respective citizens and which can not be amicably adjusted through diplomatic channels, when said claims are of sufficient importance to warrant the expense of arbitration.

The decision shall be rendered in accordance with the principles of international law.

Second. The High Contracting Parties agree to submit to the decision of the permanent Court of Arbitration of The Hague all controversies which are the subject matter of the present treaty, unless both parties agree to constitute a special jurisdiction.

If a case is submitted to the Permanent Court of The Hague, the High Contracting Parties accept the provisions of the treaty relating to the organization of that arbitral tribunal, to the procedure to be followed, and to the obligation to comply with the sentence.

Third. If it shall be agreed to constitute a special jurisdiction, there shall be prescribed in the convention by which this is determined the rules according to which the tribunal shall proceed, which shall have cognizance of the questions involved in the claims referred to in article 1 of the present treaty.

Fourth. The present treaty shall come into force immediately after the 31st of December, 1912, when the treaty on pecuniary claims, signed at Mexico on January 31, 1902, and extended by the treaty signed at Rio de Janeiro on August 13, 1906, expires.

It shall remain in force indefinitely, as well for the nations which shall then have ratified it as those which shall ratify it subsequently.

The ratifications shall be transmitted to the Government of the Argentine Republic, which shall communicate them to the other contracting parties.

Fifth. Any of the nations ratifying the present treaty may denounce it, on its own part, by giving two years' notice in writing, in advance, of its intention so to do.

This notice shall be transmitted to the Government of the Argentine Republic and through its intermediation to the other contracting parties.

Sixth. The treaty of Mexico shall continue in force after December 31, 1912, as to any claims which may, prior to that date, have been submitted to arbitration under its provisions.

In witness whereof the plenipotentiaries and delegates sign this convention and affix to it the seal of the Fourth International American Conference.

Made and signed in the city of Buenos Aires, on the 11th day of August, in the year 1910, in the Spanish, English, Portuguese, and French languages, and filed in the ministry of foreign affairs of the Argentine Republic, in order that certified copies may be taken to be forwarded through the appropriate diplomatic channels to each one of the signatory nations.

For the United States of America:

HENRY WHITE.
ENOCH H. CROWDER.
LEWIS NIXON.
JOHN BASSETT MOORE.
BERNARD MOSES.
LAMAR C. QUINTERO.
PAUL S. REINSCH.
DAVID KINLEY.

For the Argentine Republic:

ANTONIO BERMEJO.
EDUARDO L. BIDAU.
MANUEL A. MONTES DE OCA.
EPIFANIO PORTELA.
CARLOS SALAS.
JOSÉ A. TERRY.
ESTANISLAO S. ZEBALLOS.

For the United States of Brazil:

JOAQUIM MURTINHO.
DOMICIO DA GAMA.
JOSÉ L. ALMEIDA NOGUEIRA.
OLAVO BILAC.
GASTÃO DA CUNHA.
HERCULANO DE FREITAS.

For the Republic of Chili:

MIGUEL CRUCHAGA TOCORNAL.
EMILIO BELLO CODECIDO.
ANÍBAL CRUZ DÍAZ.
BELTRÁN MATHIEU.

For the Republic of Colombia:

ROBERTO ANCÍZAR.

For the Republic of Costa Rica:

ALFREDO VOLIO.

For the Republic of Cuba:

CARLOS GARCÍA VELEZ.
RAFAEL MONTORO Y VALDÉS.
GONZALO DE QUESADA Y ARÓSTEGUI.
ANTONIO GONZALO PÉREZ.
JOSÉ M. CARBONELL.

For the Dominican Republic:

AMÉRICO LUGO.

For the Republic of Ecuador:

ALEJANDRO CÁRDENAS.

For the Republic of Guatemala:
Luis Toledo Herrarte.
Manuel Arroyo.
Mario Estrada.
For the Republic of Haiti:
Constantin Fouchard.
For the Republic of Honduras:
Luis Lazo Arriaga.
For the Mexican United States:
Victoriano Salado Alvarez.
Luis Pérez Verdía.
Antonio Ramos Pedrueza.
Roberta A. Estevá Ruiz.
For the Republic of Nicaragua:
Manuel Pérez Alonso.
For the Republic of Panama:
Belisario Porras.
For the Republic of Paraguay:
Teodosio González.
José P. Montero.
For the Republic of Peru:
Eugenio Larrabure y Unáuue.
Carlos Alvarez Calderón.
José Antonio de Lavalle y Pardo.
For the Republic of Salvador:
Federico Mejía.
Francisco Martínez Suárez.
For the Republic of Uruguay:
Gonzalo Ramírez.
Carlos M. de Pena.
Antonio M. Rodríguez.
Juan José Amézaga.
For the United States of Venezuela:
Manuel Díaz Rodríguez.
César Zumeta.

1910

CONVENTION CONCERNING LITERARY AND ARTISTIC COPYRIGHT, SIGNED BY THE DELEGATES OF THE UNITED STATES AND OTHER COUNTRIES REPRESENTED AT THE FOURTH INTERNATIONAL CONGRESS OF AMERICAN STATES.[a]

Signed at Buenos Aires August 11, 1910; ratification advised by the Senate February 15, 1911.

[The text of this convention is taken from the copy printed for the use of the Senate of the United States.]

ARTICLES.

I. Obligation.
II. Definition of "literary and artistic work."
III. Effect of copyright.
IV. Privileges.
V. In whose favor recognized.
VI. Reciprocal rights of authors.
VII. Country of origin.
VIII. Loss of right to copyright.
IX. Translations.
X. Addresses and discourses.
XI. Newspapers.
XII. Fragments of literary works.
XIII. Illicit reproductions.
XIV. Fraudulent works liable to sequestration.
XV. Rights of individual governments.
XVI. Deposit of ratifications.

Their Excellencies the Presidents of the United States of America, the Argentine Republic, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay, and Venezuela;

Being desirous that their respective countries may be represented at the Fourth International American Conference, have sent thereto the following delegates duly authorized to approve the recommendation, resolutions, conventions, and treaties, which they might deem advantageous to the interests of America:

United States of America: Henry White, Enoch H. Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar C. Quintero, Paul Samuel Reinsch, David Kinley.

Argentine Republic: Antonio Bermejo, Eduardo L. Bidau, Manuel A. Montes de Oca, Epifanio Portela, Carlos Rodriguez Larreta, Carlos Salas, José A. Terry, Estanislao S. Zeballos.

United States of Brazil: Joaquin Murtinho, Domicio da Gama, José L. Almeida Nogueira, Olavo Bilac, Gastão da Cunha, Herculano de Freitas.

Republic of Chile: Miguel Cruchaga Tocornal, Emilio Bello Codecido, Aníbal Cruz Díaz, Beltrán Mathieu.

Republic of Colombia: Roberto Ancízar.

---

[a] Awaiting ratification by other governments.

Republic of Costa Rica: Alfredo Volio.
Republic of Cuba: Carlos García Vélez, Rafael Montoro y Valdés, Gonzalo de Quesada y Aróstegui, Antonio Gonzalo Pérez, José M. Carbonell.
Dominican Republic: Américo Lugo.
Republic of Ecuador: Alejandro Cárdenas.
Republic of Guatemala: Luis Toledo Herrarte, Manuel Arroyo, Mario Estrada.
Republic of Haiti: Constantin Fouchard.
Republic of Honduras: Luis Lazo Arriaga.
Mexican United States: Victoriano Salado Alvarez, Luis Pérez Verdía, Antonio Ramos Pedrueza, Roberto A. Esteva Ruiz.
Republic of Nicaragua: Manuel Pérez Alonso.
Republic of Panama: Belisario Porras.
Republic of Paraguay: Teodosio González, José P. Montero.
Republic of Peru: Eugenio Larrabure y Unánue, Carlos Alvarez Calderón, José Antonio de Lavalle y Pardo.
Republic of Salvador: Federico Mejía, Francisco Martínez Suárez.
Republic of Uruguay: Gonzalo Ramírez, Carlos M. de Pena, Antonio M. Rodríguez, Juan José Amézaga.
United States of Venezuela: Manuel Díaz Rodríguez, César Zumeta.

Who, after having presented their credentials and the same having been found in due and proper form, have agreed upon the following convention on literary and artistic copyright.

First. The signatory States acknowledge and protect the rights of literary and artistic property in conformity with the stipulations of the present convention.

Second. In the expression "literary and artistic works" are included books, writings, pamphlets of all kinds, whatever may be the subject of which they treat, and whatever the number of their pages; dramatic or dramatico-musical works; choreographic and musical compositions, with or without words; drawings, paintings, sculpture, engravings; photographic works; astronomical or geographical globes; plans, sketches or plaster works relating to geography, geology or topography, architecture or any other science; and, finally, all productions that can be published by any means of impression or reproduction.

Third. The acknowledgment of a copyright obtained in one state, in conformity with its laws, shall produce its effects of full right, in all the other states, without the necessity of complying with any other formality, provided always there shall appear in the work a statement that indicates the reservation of the property right.

Fourth. The copyright of a literary or artistic work, includes for its author or assigns the exclusive power of disposing of the same, of publishing, assigning, translating, or authorizing its translation and reproducing it in any form whether wholly or in part.

Fifth. The author of a protected work, except in case of proof to the contrary, shall be considered the person whose name or well known nom de plume is indicated therein; consequently suit brought by such author or his representative against counterfeiters or violators, shall be admitted by the courts of the signatory states.

Sixth. The authors or their assigns, citizens or domiciled foreigners, shall enjoy in the signatory countries the rights that the

respective laws accord, without those rights being allowed to exceed the term of protection granted in the country of origin.

For works comprising several volumes that are not published simultaneously, as well as for bulletins, or parts, or periodical publications, the term of the copyright will commence to run, with respect to each volume, bulletin, part, or periodical publication, from the respective date of its publication.

Seventh. The country of origin of a work will be deemed that of its first publication in America, and if it shall have appeared simultaneously in several of the signatory countries, that which fixes the shortest period of protection.

Eighth. A work which was not originally copyrighted shall not be entitled to copyright in subsequent editions.

Ninth. Authorized translations shall be protected in the same manner as original works.

Translators of works concerning which no right of guaranteed property exists, or the guaranteed copyright of which may have been extinguished, may obtain for their translations the rights of property set forth in article 3, but they shall not prevent the publication of other translations of the same work.

Tenth. Addresses or discourses delivered or read before deliberative assemblies, courts of justice, or at public meeting, may be printed in the daily press without the necessity of any authorization, with due regard, however, to the provisions of the domestic legislation of each nation.

Eleventh. Literary, scientific, or artistic writings, whatever may be their subjects, published in newspapers or magazines, in any one of the countries of the union, shall not be reproduced in the other countries without the consent of the authors. With the exception of the works mentioned, any article in a newspaper may be reprinted by others, if it has not been expressly prohibited, but in every case the source from which it is taken must be cited.

News and miscellaneous items published merely for general information do not enjoy protection under this convention.

Twelfth. The reproduction of extracts from literary or artistic publications for the purpose of instruction or chrestomathy, does not confer any right of property, and may therefore be freely made in all the signatory countries.

Thirteenth. The indirect appropriation of unauthorized parts of a literary or artistic work, having no original character, shall be deemed an illicit reproduction, in so far as affects civil liability.

The reproduction in any form of an entire work, or of the greater part thereof, accompanied by notes or commentaries under the pretext of literary criticism or amplification, or supplement to the original work, shall also be considered illicit.

Fourteenth. Every publication infringing a copyright may be confiscated in the signatory countries in which the original work had the right to be legally protected, without prejudice to the indemnities or penalties which the counterfeiters may have incurred according to the laws of the country in which the fraud may have been committed.

Fifteenth. Each of the Governments of the signatory countries, shall retain the right to permit, inspect, or prohibit the circulation,

representation, or exhibition of works or productions concerning which the proper authority may have to exercise that right.

Sixteenth. The present convention shall become operative between the signatory States which ratify it three months after they shall have communicated their ratification to the Argentine Government, and it shall remain in force among them until a year after the date when it may be denounced. This denunciation shall be addressed to the Argentine Government and shall be without force except with respect to the country making it.

In witness whereof the plenipotentiaries have signed the present treaty and affixed thereto the seal of the Fourth International American Conference.

Made and signed in the city of Buenos Aires on the 11th day of August in the year 1910, in Spanish, English, Portuguese, and French, and deposited in the ministry of foreign affairs of the Argentine Republic in order that certified copies be made for transmission to each one of the signatory nations through the appropriate diplomatic channels.

For the United States of America:

HENRY WHITE.
ENOCH H. CROWDER.
LEWIS NIXON.
JOHN BASSETT MOORE.
BERNARD MOSES.
LAMAR C. QUINTERO.
PAUL S. REINSCH.
DAVID KINLEY.

For the Argentine Republic:

ANTONIO BERMEJO.
EDUARDO L. BIDAU.
MANUEL A. MONTES DE OCA.
EPIFANIO PORTELA.
CARLOS SALAS.
JOSÉ A. TERRY.
ESTANISLAO S. ZEBALLOS.

For the United States of Brazil:

JOAQUIM MURTINHO.
DOMICIO DA GAMA.
JOSÉ L. ALMEIDA NOGUEIRA.
OLAVO BILAC.
GASTÃO DA CUNHA.
HERCULANO DE FREITAS.

For the Republic of Chile:

MIGUEL CRUCHAGA TOCORNAL.
EMILIO BELLO CODECIDO.
ANÍBAL CRUZ DÍAZ.
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For the Republic of Colombia:

ROBERTO ANCÍZAR.

For the Republic of Costa Rica:

ALFREDO VOLIO.

For the Republic of Cuba:

Carlos García Velez.
Rafael Montoro y Valdés.
Gonzalo de Quesada y Aróstegui.
Antonio Gonzalo Pérez.
José M. Carbonell.

For the Dominican Republic:

Américo Lugo.

For the Republic of Ecuador:

Alejandro Cárdenas.

For the Republic of Guatemala:

Luis Toledo Herrarte.
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Constantin Fouchard.

For the Republic of Honduras:

Luis Lazo Arriaga.

For the Mexican United States:

Victorianio Salado Alvarez.
Luis Pérez Verdía.
Roberto A. Estevá Ruiz.

For the Republic of Nicaragua:

Manuel Pérez Alonso.

For the Republic of Panama:

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Teodosio González.
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Eugenio Larrabure y Unáuue.
Carlos Alvarez Calderon.
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For the Republic of Salvador:

Federico Mejía.
Francisco Martínez Suárez.

For the Republic of Uruguay:

Gonzalo Ramírez.
Carlos M. de Pena.
Antonio M. Rodríguez.
Juan José Amézaga.

For the United States of Venezuela:

Manuel Díaz Rodríguez.
César Zumeta.

1910.

Convention Concerning the Protection of Trade-Marks Signed by the Delegates Representing the United States and Other Countries Represented at the Fourth International Congress of American States.[a]

Signed at Buenos Aires August 20, 1910; ratification advised by the Senate February 8, 1911.

[The text of this convention is taken from the copy printed for the use of the Senate of the United States.]

Articles.

I. Obligation.
II. Recognition of registration.
III. Effect of deposit as to priority.
IV. What shall be considered as trade-mark.
V. What can not be adopted as trade-mark.
VI. Determination of priority.
VII. Incidents of ownership of trade-mark.
VIII. Unlawful use of trade-mark.
IX. Procedure in securing annulment of trade-mark.
X. Protection of commercial names.
XI. Formation of union of American States.
XII. Duties of international bureaus.
XIII. Places at which trade-marks shall be deposited.
XIV. Books and accounts of international bureaus.
XV. Regulations.
XVI. Organization.
XVII. Former treaties superseded.
XVIII. Ratification.
XIX. Denunciation.

Their Excellencies the Presidents of the United States of America, the Argentine Republic, Brazil, Chili, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay, and Venezuela;

Being desirous that their respective countries may be represented at the Fourth International American Conference, have sent thereto the following delegates, duly authorized to approve the recommendations, resolutions, conventions, and treaties which they might deem advantageous to the interest of America:

United States of America: Henry White, Enoch H. Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar C. Quintero, Paul Samuel Reinsch, David Kinley.

Argentine Republic: Antonio Bermejo, Eduardo L. Bidau, Manuel A. Montes de Oca, Epifanio Portela, Carlos Rodríguez Larreta, Carlos Salas, José A. Terry, Estanislao S. Zeballos.

United States of Brazil: Joaquim Murtinho, Dimicio da Gama, José L. Almeida Nogueria, Olavo Bilac, Gastão da Cunha, Herculano de Freitas.

Republic of Chili: Miguel Cruchaga Tocornal, Emilio Bello Codecido, Anibal Cruz Diaz, Beltrán Mathieu.

---

[a] Awaiting ratification by other governments.

Republic of Colombia: Roberto Ancízar.
Republic of Costa Rica: Alfredo Volio.
Republic of Cuba: Carlos García Vélez, Rafael Montoro y Valdés, Gonzalo de Quesada y Aróstegui, Antonio Gonzalo Pérez, José M. Carbonell.
Dominican Republic: Américo Lugo.
Republic of Ecuador: Alejandro Cárdenas.
Republic of Guatemala: Luis Toledo Herrarte, Manuel Arroyo, Mario Estrada.
Republic of Haití: Constantin Fouchard.
Republic of Honduras: Luis Lazo Arriaga.
Mexican United States: Victoriano Salado Alvarez, Luis Pérez Verdía, Antonio Ramos Pedrueza, Roberto A. Esteva Ruiz.
Republic of Nicaragua: Manuel Pérez Alonso.
Republic of Panama: Belisario Porras.
Republic of Paraguay: Teodosio González, José P. Montero.
Republic of Peru: Eugenio Larrabure y Unánue, Carlos Alvarez Calderón, José Antonio de Lavalle y Pardo.
Republic of Salvador: Federico Mejía, Francisco Martinez Suárez.
Republic of Uruguay: Gonzalo Ramírez, Carlos M. de Pena, Antonio M. Rodríguez, Juan José Amézaga.
United States of Venezuela: Manuel Díaz Rodríguez, César Zumeta.

Who, after having presented their credentials and the same having been found in due and proper form, have agreed upon the following Convention for the Protection of Trade-Marks.

Article I.

The signatory nations enter into this convention for the protection of trade-marks and commercial names.

Article II.

Any mark duly registered in one of the signatory States shall be considered as registered also in the other States of the union, without prejudice to the rights of third persons and to the provisions of the laws of each State governing the same.

In order to enjoy the benefit of the foregoing, the manufacturer or merchant interested in the registry of the mark must pay, in addition to the fees or charges fixed by the laws of the State in which application for registration is first made, the sum of fifty dollars gold, which sum shall cover all the expenses of both bureaus for the international registration in all the signatory States.

Article III.

The deposit of a trade-mark in one of the signatory States produces in favor of the depositor a right of priority for the period of six months, so as to enable the depositor to make the deposit in the other States.

Therefore the deposit made subsequently and prior to the expiration of this period can not be annulled by acts performed in the interval, especially by another deposit, by publication, or by the use of the mark.

ARTICLE IV.

The following shall be considered as trade-mark: Any sign, emblem, or especial name that merchants or manufacturers may adopt or apply to their goods or products in order to distinguish them from those of other manufacturers or merchants who manufacture or deal in articles of the same kind.

ARTICLE V.

The following can not be adopted or used as trade-mark: National, provincial, or municipal flags or coats-of-arms; immoral or scandalous figures; distinctive marks which may have been obtained by others or which may give rise to confusion with other marks; the general classification of articles; pictures or names of persons without their permission; and any design which may have been adopted as an emblem by any fraternal or humanitarian association.

The foregoing provisions shall be construed without prejudice to the particular provisions of the laws of each State.

ARTICLE VI.

All questions which may arise regarding the priority of the deposit or the adoption of a trade-mark shall be decided with due regard to the date of the deposit in the State in which the first application was made therefor.

ARTICLE VII.

The ownership of a trade-mark includes the right to enjoy the benefits thereof and the right of assignment or transfer in whole or in part of its ownership or its use in accordance with the provisions of the laws of the respective States.

ARTICLE VIII.

The falsification, imitation, or unauthorized use of a trade-mark, as also the false representation as to the origin of a product, shall be prosecuted by the interested party in accordance with the laws of the State wherein the offense is committed.

For the effects of this article, interested parties shall be understood to be any producer, manufacturer, or merchant engaged in the production, manufacture, or traffic of said product, or in the case of false representation of origin, one doing business in the locality falsely indicated as that of origin, or in the territory which said locality is situated.

ARTICLE IX.

Any person in any of the signatory States shall have the right to petition and obtain in any of the States, through its competent judicial authority, the annullment of the registration of a trade-mark, when he shall have made application for the registration of that mark, or of any other mark, calculated to be confused, in such State, with the mark in whose annullment he is interested, upon proving.

(*a*) That the mark the registration whereof he solicits has been employed or used within the country prior to the employment or use of the mark registered by the person registering it or by the persons from whom he has derived title;

(*b*) That the registrant had knowledge of the ownership, employment, or use in any of the signatory States of the mark of the applicant the annullment whereof is sought prior to the use of the registered mark by the registrant or by those from whom he has derived title;

(*c*) That the registrant had no right to the ownership, employment, or use of the registered mark on the date of its deposit;

(*d*) That the registered mark had not been used or employed by the registrant or by his assigns within the term fixed by the laws of the State in which the registration shall have been made.

Article X.

Commercial names shall be protected in all the States of the Union, without deposit or registration, whether the same form part of a trade-mark or not.

Article XI.

For the purposes indicated in the present convention a union of American Nations is hereby constituted, which shall act through two international bureaux established one in the city of Habana, Cuba, and the other in the city of Rio de Janeiro, Brazil, acting in complete accord with each other.

Article XII.

The international bureaux shall have the following duties:

1. To keep a register of the certificates of ownership of trade-mark issued by any of the signatory States.

2. To collect such reports and data as relate to the protection of intellectual and industrial property and to publish and circulate them among the nations of the union, as well as to furnish them whatever special information they may need upon this subject.

3. To encourage the study and publicity of the questions relating to the protection of intellectual and industrial property; to publish for this purpose one or more official reviews, containing the full texts or digest of all documents forwarded to the bureaux by the authorities of the signatory States.

The Governments of said States shall send to the International American Bureaux their official publications which contain the announcements of the registrations of trade-marks, and commercial names, and the grants of patents and privileges as well as the judgments rendered by the respective courts concerning the invalidity of trade-marks and patents.

4. To communicate to the Governments of the union any difficulties or obstacles that may oppose or delay the effective application of this convention.

5. To aid the Governments of the signatory States in the preparations of international conferences for the study of legislation con-

cerning industrial property, and to secure such alterations as it may be proper to propose in the regulations of the union, or in treaties in force to protect industrial property. In case such conferences take place, the directors of the bureaux shall have the right to attend the meetings and there to express their opinions, but not to vote.

6. To present to the Governments of Cuba and of the United States of Brazil, respectively, yearly reports of their labors which shall be communicated at the same time to all the Governments of the other States of the union.

7. To initiate and establish relations with similar bureaus and with the scientific and industrial associations and institutions for the exchange of publications, information, and data conducive to the progress of the protection of industrial property.

8. To investigate cases where trade-marks, designs, and industrial models have failed to obtain the recognition of registration provided for by this convention, on the part of the authorities of any one of the States forming the union, and to communicate the facts and reasons to the Government of the country of origin and to interested parties.

9. To cooperate as agents for each one of the Governments of the signatory States before the respective authorities for the better performance of any act tending to promote or accomplish the ends of this convention.

ARTICLE XIII.

The bureau established in the city of Habana, Cuba, shall have charge of the registration of trade-marks coming from the United States of America, Mexico, Cuba, Haiti, the Dominican Republic, El Salvador, Honduras, Nicaragua, Costa Rica, Guatemala, and Panama.

The bureau established in the city of Rio de Janeiro shall have charge of the registration of trade-marks coming from Brazil, Uruguay, the Argentine Republic, Paraguay, Bolivia, Chile, Peru, Ecuador, Venezuela, and Colombia.

ARTICLE XIV.

The two international bureaus shall be considered as one, and for the purpose of the unification of the registrations it is provided:

(*a*) Both shall have the same books and the same accounts kept under an identical system.

(*b*) Copies shall be reciprocally transmitted weekly from one to the other of all applications, registrations, communications, and other documents affecting the recognition of the rights of owners of trade-marks.

ARTICLE XV.

The international bureaux shall be governed by identical regulations, formed with the concurrence of the Governments of the Republic of Cuba and of the United States of Brazil and approved by all the other signatory States.

Their budgets, after being sanctioned by the said Governments, shall be defrayed by all the signatory States in the same proportion as that established for the International Bureau of the American Republics at Washington, and in this particular they shall be placed under the control of those Governments within whose territories they are established.

The international bureaux may establish such rules of practice and procedure, not inconsistent with the terms of this convention, as they may deem necessary and proper to give effect to its provisions.

ARTICLE XVI.

The Governments of the Republic of Cuba and of the United States of Brazil shall proceed with the organization of the Bureaux of the International Union as herein provided, upon the ratification of this convention by at least two-thirds of the nations belonging to each group.

The simultaneous establishment of both bureaux shall not be necessary; one only may be established if there be the number of adherent governments provided for above.

ARTICLE XVII.

The treaties on trade-marks previously concluded by and between the signatory States, shall be substituted by the present convention from the date of its ratification, as far as the relations between the signatory States are concerned.

ARTICLE XVIII.

The ratifications or adhesion of the American States to the present convention shall be communicated to the Government of the Argentine Republic, which shall lay them before the other States of the union. These communications shall take the place of an exchange of ratifications.

ARTICLE XIX.

Any signatory State that may see fit to withdraw from the present convention shall so notify the Government of the Argentine Republic, which shall communicate this fact to the other States of the union, and one year after the receipt of such communication this convention shall cease with regard to the State that shall have withdrawn.

In witness whereof the plenipotentiaries and delegates sign this convention and affix to it the seal of the Fourth International American Conference.

Made and signed in the city of Buenos Aires, on the 20th day of August, in the year 1910, in Spanish, English, Portuguese, and French, and filed in the Ministry of Foreign Affairs of the Argentine Republic in order that certified copies may be made, to be forwarded through appropriate diplomatic channels to each one of the signatory nations.

For the United States of America:

HENRY WHITE.
ENOCH H. CROWDER.
LEWIS NIXON.
JOHN BASSETT MOORE.
BERNARD MOSES.
LAMAR C. QUINTERO.
PAUL S. REINSCH.
DAVID KINLEY.

For the Argentine Republic:

ANTONIO BERMEJO.
EDUARDO L. BIDAU.
MANUEL A. MONTES DE OCA.
EPIFANIO PORTELA.
CARLOS SALAS.
JOSÉ A. TERRY.
ESTANISLAO S. ZEBALLOS.

For the United States of Brazil:

JOAQUIM MURTINHO.
DOMICIO DA GAMA.
JOSÉ L. ALMEIDA NORGUEIRA.
OLAVO BILAC.
GASTÃO DA CUNHA.
HERCULANO DE FREITAS.

For the Republic of Chile:

MIGUEL CRUCHAGA TOCORNAL.
EMILIO BELLO CODECIDO.
ANÍBAL CRUZ DÍAZ.
BELTRÁN MATHIEU.

For the Republic of Colombia:

ROBERTO ANCÍZAR.

For the Republic of Costa Rica:

ALFREDO VOLIO.

For the Republic of Cuba:

CARLOS GARCIA VELEZ.
RAFAEL MONTORO Y VALDÉS.
GONZALO DE QUESADA Y ARÓSTEGUI.
ANTONIO GONZALO PÉREZ.
JOSÉ M. CARBONELL.

For the Dominican Republic:

AMÉRICO LUGO.

For the Republic of Ecuador:

ALEJANDRO CÁRDENAS.

For the Republic of Guatemala:

LUIS TOLEDO HERRARTE.
MANUEL ARROYO.
MARIO ESTRADA.

For the Republic of Haiti:

CONSTANTIN FOUCHARD.

For the Republic of Honduras:

LUIS LAZO ARRIAGA.

For the Mexican United States:

VICTORIANO SALADO ALVAREZ.
LUIS PÉREZ VERDÍA.
ANTONIO RAMOS PEDRUEZA.
ROBERTO A. ESTEVA RUIZ.

For the Republic of Nicaragua:

MANUEL PÉREZ ALONSO.

For the Republic of Panama:

BELISARIO PORRAS.

For the Republic of Paraguay:
Teodosio González.
José P. Montero.

For the Republic of Peru:
Eugenio Larrabure y Unánue.
Carlos Alvarez Calderón.
José Antonio de Lavalle y Pardo.

For the Republic of Salvador:
Federico Mejía.
Francisco Martínez Suárez.

For the Republic of Uruguay:
Gonzalo Ramírez.
Carlos M. de Pena.
Antonio M. Rodríguez.
Juan José Amézaga.

For the United States of Venezuela:
Manuel Díaz Rodríguez.
César Zumeta.

1910.

CONVENTIONS RELATING TO INVENTIONS, PATENTS, DESIGNS, AND INDUSTRIAL MODELS, SIGNED BY THE DELEGATES OF THE UNITED STATES AND OF THE OTHER COUNTRIES REPRESENTED AT THE FOURTH INTERNATIONAL CONGRESS OF AMERICAN STATES.[a]

Signed at Buenos Aires August 20, 1910; ratified by the Senate February 8, 1911.

[The text of this convention is taken from the copy printed for the use of the Senate of the United States.]

ARTICLES.

I. Union for protection of patents of invention, designs, and industrial models formed.
II. Mutual protection.
III. Protection to applicants.
IV. Effect of filing applications in several States.
V. Priority of patents determined by date of application.
VI. What shall be considered as inventions.
VII. Basis for rejection of patents.
VIII. Incidents to ownership.
IX. Civil or criminal liabilities.
X. Evidence.
XI. Former treaties superseded.
XII. Ratification.
XIII. Denunciation.

Their Excellencies the Presidents of the United States of America, the Argentine Republic, Brazil, Chili, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Salvador, Uruguay, and Venezuela:

Being desirous that their respective countries may be represented at the Fourth International American Conference, have sent thereto the following delegates, duly authorized to approve the recommendations, resolutions, conventions, and treaties which they might deem advantageous to the interests of America.

United States of America: Henry White, Enoch H. Crowder, Lewis Nixon, John Bassett Moore, Bernard Moses, Lamar C. Quintero, Paul Samuel Reinsch, David Kinley.

Argentine Republic: Antonio Bermejo, Eduardo L. Bidau, Manuel A. Montes de Oca, Epifanio Portela, Carlos Rodríguez Larreta, Carlos Salas, José A. Terry, Estanislao S. Zeballos.

United States of Brazil: Joaquim Murtinho, Domicio da Gama, José L. Almeida Nogueira, Olavo Bilac, Gastão da Cunha, Herculano de Freitas.

Republic of Chili: Miguel Cruchaga Tocornal, Emilio Bello Codecido, Aníbal Cruz Díaz, Beltrán Mathieu.

Republic of Colombia: Roberto Ancízar.

Republic of Costa Rica: Alfredo Volio.

Republic of Cuba: Carlos García Vélez, Rafael Montoro y Valdés, Gonzalo de Quesada y Aróstegui, Antonio Gonzalo Pérez, José M. Carbonell.

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[a] Awaiting ratification by other governments.

Dominican Republic: Américo Lugo.
Republic of Ecuador: Alejandro Cárdenas.
Republic of Guatemala: Luis Toledo Herrarte, Manuel Arroyo, Mario Estrada.
Republic of Haití: Constantin Fouchard.
Republic of Honduras: Luis Lazo Arriaga.
Mexican United States: Victoriano Salado Alvarez, Luis Pérez Verdía, Antonio Ramos Pedrueza, Roberto A. Esteva Ruiz.
Republic of Nicaragua: Manuel Pérez Alonso.
Republic of Panama: Belisario Porras.
Republic of Paraguay: Teodosio González, José P. Montero.
Republic of Peru: Eugenio Larrabure, y Unánue, Carlos Alvarez Calderón, José Antonio de Lavalle y Pardo.
Republic of Salvador: Federico Mejía, Francisco Martínez Suárez.
Republic of Uruguay: Gonzalo Ramírez, Carlos M. de Pena, Antonio M. Rodríguez, Juan José Amézaga.
United States of Venezuela: Manuel Díaz Rodríguez, César Zumeta.

Who, after having presented their credentials, and the same having been found in due and proper form, have agreed upon the following convention on inventions, patents, designs, and industrial models.

ARTICLE I.

The subscribing nations enter into this convention for the protection of patents of invention, designs, and industrial models.

ARTICLE II.

Any persons who shall obtain a patent of invention in any of the signatory States shall enjoy in each of the other States all the advantages which the laws relative to patents of invention, designs, and industrial models concede. Consequently, they shall have the right to the same protection and identical legal remedies against any attack upon their rights, provided they comply with the laws of each State.

ARTICLE III.

Any person who shall have regularly deposited an application for a patent of invention or design or industrial model in one of the contracting States shall enjoy, for the purposes of making the deposit in the other States and under the reserve of the rights of third parties, a right of priority during a period of twelve months for patents of invention, and of four months for designs or industrial models.

In consequence the deposits subsequently made in any other of the signatory States before the expiration of these periods can not be invalidated by acts performed in the interval, especially by other deposits, by the publication of the invention or its working, or by the sale of copies of the design or of the model.

ARTICLE IV.

When, within the terms fixed, a person shall have filed applications in several States for the patent of the same invention, the rights resulting from patents thus applied for shall be independent of each other.

They shall also be independent of the rights arising under patents obtained for the same invention in countries not parties to this convention.

ARTICLE V.

Questions which may arise regarding the *priority of patents* of invention shall be decided with regard to the date of the application for the respective patents in the countries in which they are granted.

ARTICLE VI.

The following shall be considered as inventions: A new manner of manufacturing industrial products, a new machine or mechanical or manual apparatus which serves for the manufacture of said products, the discovery of a new industrial product, the application of known methods for the purpose of securing better results, and every new, original, and ornamental design or model for an article of manufacture.

The foregoing shall be understood without prejudice to the laws of each State.

ARTICLE VII.

Any of the signatory States may refuse to recognize patents for any of the following causes:

(*a*) Because the inventions or discoveries may have been published in any country prior to the date of the invention by the applicant.

(*b*) Because the inventions have been registered, published, or described in any country more than one year prior to the date of the application in the country in which the patent is sought.

(*c*) Because the inventions have been in public use, or have been on sale in the country in which the patent has been applied for, one year prior to the date of said application.

(*d*) Because the inventions or discoveries are in some manner contrary to morals or laws.

ARTICLE VIII.

The ownership of a patent of invention comprises the right to enjoy the benefits thereof, and the right to assign or transfer it in accordance with the laws of the country.

ARTICLE IX.

Persons who incur civil or criminal liabilities, because of injuries or damage to the rights of inventors, shall be prosecuted and punished in accordance with the laws of the countries wherein the offense has been committed or the damage occasioned.

ARTICLE X.

Copies of patents certified in the country of origin, according to the national law thereof, shall be given full faith and credit as evidence of the right of priority, except as stated in Article VII.

ARTICLE XI.

The treaties relating to patents of invention, designs, or industrial models, previously entered into between the countries subscribing to the present convention, shall be superseded by the same from the time of its ratification in so far as the relations between the signatory States are concerned.

ARTICLE XII.

The adhesion of the American Nations to the present convention shall be communicated to the Government of the Argentine Republic in order that it may communicate them to the other States. These communications shall have the effect of an exchange of ratifications.

ARTICLE XIII.

A signatory nation that sees fit to retire from the present convention, shall notify the Government of the Argentine Republic, and one year after the receipt of the communication the force of this convention shall cease, in so far as the nation which shall have withdrawn its adherence is concerned.

In witness whereof, the plenipotentiaries have signed the present treaty and affixed thereto the seal of the Fourth International American Conference.

Made and signed in the city of Buenos Aires on the 20th day of August in the year 1910, in Spanish, English, Portuguese, and French, and deposited in the ministry of foreign affairs of the Argentine Republic, in order that certified copies be made for transmission to each of the signatory nations through the appropriate diplomatic channels.

For the United States of America:

HENRY WHITE.
ENOCH H. CROWDER.
LEWIS NIXON.
JOHN BASSETT MOORE.
BERNARD MOSES.
LAMAR C. QUINTERO.
PAUL S. REINSCH.
DAVID KINLEY.

For the Argentine Republic:

ANTONIO BERMEJO.
EDUARDO L. BIDAU.
MANUEL A. MONTES DE OCA.
EPIFANIO PORTELA.
CARLOS SALAS.
JOSÉ A. TERRY.
ESTANISLAO S. ZEBALLOS.

For the United States of Brazil:

JOAQUIM MURTINHO.
DOMICIO DA GAMA.
JOSÉ L. ALMEIDA NOGUEIRA.
OLAVO BILAC.
GASTÃO DA CUNHA.
HERCULANO DE FREITAS.

For the Republic of Chile:
Miguel Cruchaga Tocornal.
Emilio Bello Codecido.
Aníbal Cruz Díaz.
Beltrán Mathieu.
For the Republic of Colombia:
Roberto Ancízar.
For the Republic of Costa Rica:
Alfredo Volio.
For the Republic of Cuba:
Carlos García Velez.
Rafael Montoro y Valdés.
Gonzalo de Quesada y Aróstegui.
Antonio Gonzalo Pérez.
José M. Carbonell.
For the Dominican Republic:
Américo Lugo.
For the Republic of Ecuador:
Alejandro Cárdenas.
For the Republic of Guatemala:
Luis Toledo Herrarte.
Manuel Arroyo.
Mario Estrada.
For the Republic of Haiti:
Constantin Fouchard.
For the Republic of Honduras:
Luis Lazo Arriaga.
For the Mexican United States:
Victoriano Salado Alvarez.
Luis Pérez Verdía.
Antonio Ramos Pedrueza.
Roberto A. Estevá Ruiz.
For the Republic of Nicaragua:
Manuel Pérez Alonso.
For the Republic of Panama:
Belisario Porras.
For the Republic of Paraguay:
Teodosio González.
José P. Montero.
For the Republic of Peru:
Eugenio Larrabure y Unáuue.
Carlos Alvarez Calderón.
José Antonio de Lavalle y Pardo.
For the Republic of Salvador:
Federico Mejía.
Francisco Martínez Suárez.
For the Republic of Uruguay:
Gonzalo Ramírez.
Carlos M. de Pena.
Antonio M. Rodríguez.
Juan José Amézaga.
For the United States of Venezuela:
Manuel Díaz Rodríguez.
César Zumeta.

1911.

Industrial Property Convention.[a]

Signed at Washington June 2, 1911; ratification advised by the Senate February 6, 1912.

Convention of the Union of Paris March 20, 1883, for the Protection of Industrial Property.[a]

[The text of this convention is taken from the copy printed for the use of the Senate of the United States.]

Articles.

I. Union for protection of industrial property formed.
II. Mutual protection.
III. Protection of citizens or subjects of nonsignatories.
IV. Protection to applicants.
V. Introduction by patentee of articles patented in other countries.
VI. Registry of trade-mark.
VII. Nature of product no obstacle to filing of the mark.
VIII. Commercial names protected.
IX. Seizure of unlawfully marked goods.
X. Articles bearing false place of origin; competition.
XI. Temporary protection to articles at exposition.
XII. Establishment of central office.
XIII. Establishment of international office.
XIV. Future conferences.
XV. Special arrangements between contracting countries.
XVI. Adhesion by nonsignator states; adhesion for colonies by signatory powers.
XVII. Compliance with formalities and regulations established by constitution and laws; duration; renunciation.
XVIII. Ratification.
XIX. Signing.
XX. Final protocol.

[Translation.]

[Revised at Brussels December 14, 1900, and at Washington June 2, 1911.]

His Majesty the Emperor of Gemany, King of Prussia, in the name of the German Empire; His Majesty the Emperor of Austria, King of Bohemia, etc. and King Apostolic of Hungary for Austria and for Hungary; His Majesty the King of the Belgians; the President of the United States of Brazil; the President of the Republic of Cuba; His Majesty the King of Denmark; the President of the Dominican Republic; His Majesty the King of Spain; the President of the United States of America; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Territories beyond the seas, Emperor of India; His Majesty the King of Italy; His Majesty the Emperor

[a] Open until April 1, 1913, for deposit of ratifications.

of Japan; the President of the United States of Mexico; His Majesty the King of Norway; Her Majesty the Queen of the Netherlands; the President of the Provisional Government of the Republic of Portugal; His Majesty the King of Servia; His Majesty the King of Sweden; the Federal Council of the Swiss Confederation; the Government of Tunis.

Having judged it expedient to make certain modifications and additions to the international Convention of March 20, 1883, concerning the creation of an International Union for the Protection of Industrial Property, revised at Brussels December 14, 1900, have named for their plenipotentiaries, to-wit:

His Majesty the Emperor of Germany, King of Prussia:

M. le Dr. Haniel Von Haimhausen, Conseiller de l'Ambassade de S. M. l'Empereur d'Allemagne à Washington;

M. Robolski, Conseiller supérieur de Régence, Conseiller rapporteur au Département Impérial de l'Intérieur;

M. le Prof. Dr. Albert Osterrieth;

His Majesty the Emperor of Austria, King of Bohemia, etc., and King Apostolic of Hungary:

For Austria and for Hungary:

S. Exc. M. le Baron Ladislas Hengelmueller de Hengervár, son Conseiller Intime, son Ambassadeur Extraordinaire et Plénipotentiaire à Washington.

For Austria:

S. Exc. M. le Dr. Paul Chevalier Back de Mannagetta et Lerchenau, S. Conseiller intime, Chef de Section au Ministére I. R. des Travaux et Président de l'Office I. R. des Brevets d'invention;

For Hungary:

M. Elemér de Pompéry, Conseiller ministériel à l'Office Royal hongrois des Brevets d'invention:

His Majesty the King of the Belgians:

M. Jules Brunet, Directeur général au Ministère des Affaires étrangèrs;

M. Georges de Ro, Sénateur suppléant, Délégué de la Belgique aux Conférences pour la protection de la Propriété industrielle de Madrid et de Bruxelles;

M. Albert Capitaine, Avocat à la Court d'appel de Liège;

The President of the United States of Brazil:

M. R. de Lima e Silva, Chargé d'Affaires des États-Unis du Brésil à Washington.

The President of the Republic of Cuba:

S. Exc. M. Rivero, Envoyé extraordinaire et Ministre plénipotentiaire de Cuba à Washington.

His Majesty the King of Denmark:

M. Martin J. C. T. Clan, Consul Général du Danemark à New York;

The President of the Dominican Republic:

S. Exc. M. Emilie C. Joubert, Envoyé extraordinaire et Ministre Plénipotentiaire de la République Dominicaine à Washington.

His Majesty the King of Spain:

S. Exc. Don Juan Riaño y Gayangos, S. Envoyé extraordinaire et Ministre plénipotentiaire à Washington.

S. Exc. Don Juan Florez Posada, Directeur de l'École des ingénieurs de Madrid.

The President of the United States of America:

M. Edward Bruce Moore, Commissioner of Patents;

M. Frederick P. Fish, Avocat à la Cour suprême des États-Unis et à la Cour suprême de l'Etat de New York.

M. Charles H. Duell, ancien Commissaire des brevets, ancien Juge à la Cour d'appel du District de Colombie, Avocat à la Cour suprême des États-Unis et à la Cour suprême de l'État de New York;

M. Robert H. Parkinson, Avocat à la Cour suprême des États-Unis et à la Cour suprême de l'État de l'Illinois;

M. Melville Church, Avocat à la Cour suprême des États-Unis;

The President of the French Republic:

M. Lefèvre-Pontalis, Conseiller de l'Ambassade de la République française à Washington.

M. Georges Breton, Directeur de l'Office national de la Propriété industrielle;

M. Michel Pelletier, Avocat à la Cour d'appel de Paris, Délégué aux Conférences pour la protection de la Propriété industrielle de Rome, de Madrid et de Bruxelles;

M. Georges Maillard, Avocat à la Cour d'appel de Paris;

His Majesty the King of the United Kingdom of Great Britain, Ireland and the British Territories Beyond the Seas, Emperor of India:

M. Alfred Mitchell Innes, Counseiller de l'Ambassade de S. M. Britannique à Washington.

Sir Alfred Bateman, K. C. M. G., ancien Comptroller General of Commerce, Labor, and Statistics;

M. W. Temple Franks, Comptroller General of Patents, Designs, and Trademarks;

His Majesty the King of Italy:

Nob. Lazzaro dei Marchesi Negrotto Cambiaso, Conseiller de l'Ambassade de S. M. le Roi d'Italie à Washington;

M. Emilio Venezian, Ingénieur, Inspecteur du Ministère de l'Agriculture, du Commerce et de l'Industrie;

M. le Dr. Giovanni Battista Ceccato, Attaché commercial à l'Ambassade de S. M. le Roi d'Italie à Washington.

His Majesty the Emperor of Japan:

M. K. Matsui, Conseiller de l'Ambassade de S. M. l'Empereur du Japon à Washington;

M. Morio Nakamatsu, Directeur de l'Office des brevets;

The President of the United States of Mexico:

M. José de las Fuentes, Ingénieur, Directeur de l'Office des brevets;

His Majesty the King of Norway:

M. L. Aubert, Secrétaire de la Légation de S. M. le Roi de Norvège à Washington;

Her Majesty the Queen of the Netherlands:

M. le Dr. F. W. J. G. Snyder van Wissenkerke, Directeur de l'Office de la Propriété industrielle, Conseiller au Ministère de la Justice;

The President of the Provisional Government of the Republic of Portugal:

S. Exc. le Vicomte de Alte, Envoyé Extraordinaire et Ministre Plénipotentiaire du Portugal à Washington;

His Majesty the King of Servia:
His Majesty the King of Sweden:
S. Exc. M. le Compte Albert Ehrensvärd, Son Envoyé extraordinaire et Ministre plénipotentiaire à Washington.
The Federal Council of the Swiss Confederation:
S. Exc. M. Paul Ritter, Envoyé extraordinaire et Ministre plénipotentiaire de Cuisse à Washington;
M. W. Kraft, Adjoint du Bureau Fédéral de la Propriété Intellectuelle à Berne;
M. Henri Martin, Secrétaire de la Légation de Suisse à Washington;
The President of the French Republic for Tunis:
M. de Peretti de la Rocca, Premier Secrétaire de l'Ambassade de la République française à Washington;
Who, after having been given their full respective powers, made in good and due form, have agreed upon the following articles:

Article 1.

The contracting countries constitute a state of Union for the protection of industrial property.

Article 2.

The subjects or citizens of each of the contracting countries shall enjoy, in all the other countries of the Union, with regard to patents of invention, models of utility, industrial designs or models, trademarks, trade names, the statements of place of origin, suppression of unfair competition, the advantages which the respective laws now grant or may hereafter grant to the citizens of that country. Consequently, they shall have the same protection as the latter and the same legal remedies against any infringements of their rights, provided they comply with the formalities and requirements imposed by the National laws of each State upon its own citizens. Any obligation of domicile or of establishment in the country where the protection is claimed shall not be imposed on the members of the Union.

Article 3.

The subjects or citizens of countries which do not form part of the Union, who are domiciled or own effective and bona fide industrial or commercial establishments in the territory of any of the countries of the Union, shall be assimilated to the subjects or citizens of the contracting countries.

Article 4.

(*a*) Any person who shall have duly filed an application for a patent, utility model, industrial design or model, or trademark, in one of the contracting countries, or the successor or assignee of such person shall enjoy, for the purpose of filing application in the other countries, and subject to the rights of third parties, a right of priority during the periods hereinafter specified.

(*b*) Consequently, the subsequent filing in one of the other countries of the Union, prior to the expiration of such periods, shall not be invalidated by acts performed in the interval, especially, by another application, by publication of the invention or the working of the same, by the sale of copies of the design or model, nor by the use of the mark.

(*c*) The periods of priority above referred to shall be twelve months for patents and models of utility and four months for industrial designs and models as also for trademarks.

(*d*) Whoever shall wish to avail himself of the priority of an anterior filing, shall be required to make a declaration showing the date and the country of this filing. Each country shall determine at what moment, at the latest, this declaration must be executed. This information shall be mentioned in the publications issued by the competent Administration, particularly on patents and the specifications relative thereto. The contracting countries shall require of one who makes a declaration of priority the production of a copy of the application (specification, drawings, etc.) previously filed, certified to be a true copy by the Administration which shall have received it. This copy shall be dispensed from any legalisation. It may be required that it be accompanied by a certificate of the date of filing, issuing from this Administration, and of a translation. Other formalities shall not be required for the declaration of priority at the time of the filing of the application. Each contracting country shall determine the consequences of the omission of the formalities prescribed by the present article, unless these consequences exceed the loss of the right of priority.

(*e*) Later other justifications can be demanded.

Article 4½.

Patents applied for in the different contracting countries by persons admitted to the benefit of the Convention in the terms of articles 2 and 3, shall be independent of the patents obtained for the same invention in the other countries, adherent or not to the Union.

This provision shall be understood in an absolute manner, particularly in the sense that the patents applied for during the term of priority are independent, as much from the point of view of the causes of nullity and of forfeiture as from the point of view of the normal duration.

It applies to all patents existing at the time of entrance into force.

It shall be likewise, in case of accession of new countries, for patents existing on both sides at the time of accession.

Article 5.

The importation, by the patentee, into the country where the patent has been granted, of articles manufactured in any of the countries of the Union shall not entail forfeiture.

However, the patentee shall be obliged to work his patent according to the laws of the country into which he introduces the patented objects, but with the restriction that the patents shall not be liable to forfeiture because of non-working in one of the countries of the Union until after a term of three years, from the date of the filing

of the application in that country, and only in case the patentee shall fail to show sufficient cause for his inaction.

ARTICLE 6.

Every trademark regularly registered in the country of origin shall be admitted to registration and protected as that in the other countries of the Union.

However, there may be refused or invalidated:

1. Marks which are of a nature to infringe rights acquired by third parties in the country where protection is claimed.

2. Marks devoid of all distinctive character, or even composed exclusively of signs or data which may be used in commerce, to designate the kind, quality, quantity, destination, value, place of origin of the products or the time of production, or become common in the current language or the legal and steady customs of commerce of the country where the protection is claimed.

In the estimation of the distinctive character of a mark, all the circumstances existing should be taken into account, particularly the duration of the use of the mark.

3. Marks which are contrary to morals or public order.

The country where the applicant has his principal establishment shall be considered as the country of origin.

If this principal establishment is not located in one of the countries of the Union, that to which the applicant belongs shall be considered as country of origin.

ARTICLE 7.

The nature of the product on which the trademark is to be applied cannot, in any case, be an obstacle to the filing of the mark.

ARTICLE 7½.

The contracting countries agree to admit for filing and to protect marks belonging to associations the existence of which is not contrary to the law of the country of origin, even if these associations do not possess an industrial or commercial establishment.

Each country shall be judge of the special conditions under which an association may be admitted to have the marks protected.

ARTICLE 8.

Trade names shall be protected in all the countries of the Union without the obligation of filing, whether it be a part or not of a trademark.

ARTICLE 9.

Any product bearing illegally a trademark or a trade name shall be seized at importation in those of the countries of the Union in which this mark or this trade name may have a right to legal protection.

If the laws of a country do not admit of seizure on importation, the seizure shall be replaced by prohibiton of importation.

The seizure shall be likewise effected in the country where illegal affixing shall have been made, or in the country into which the product shall have been imported.

The seizure shall be made at the request of the public ministry, or any other competent authority, or by an interested party, individual or society, in conformity to the interior laws of each country.

The authorites shall not be required to make the seizure in transit.

If the laws of a country admit neither of the seizure on importation nor the prohibiton of importation, nor seizure in said country, these measures shall be replaced by the acts and means which the law of such country would assure in like case to its own citizens.

ARTICLE 10.

The provisons of the preceding article shall be applicable to any product bearing falsely, as indication of place of production, the name of a definite locality, when this indication shall be joined to a fictitious or borrowed trade name with an intention to defraud.

The interested party is considered any producer, manufacturer or merchant, engaged in the production, manufacture or commerce of such product, and established either in the locality falsely indicated as place of production or in the region where this locality is situated.

ARTICLE 10½.

All the contracting countries agree to assure to the members of the Union an effective protection against unfair competition.

ARTICLE 11.

The contracting countries shall accord, in conformity with their national laws, a temporary protection to patentable inventions, working models, industrial models or designs, as well as to trademarks, for products exhibited at international expositions, official or officially recognized, organized in the territory of one of them.

ARTICLE 12.

Each of the contracting countries agrees to establish a special service for Industrial Property and a central office for the communication to the public of patents, working models, industrial models or designs and trademarks.

This service shall publish, as often as possible, an official periodical.

ARTICLE 13.

The international Office instituted at Berne under the name of "Bureau international pour la protection de la Propriété industrielle" is placed under the high authority of the Government of the Swiss Confederation, which regulates its organization and supervises its operation.

The international Bureau shall centralize information of any nature relative to the protection of industrial property, and form it in a general statistical report which shall be distributed to all

Administrations. It shall proceed to considerations of common utility interesting to the Union and shall edit, with the aid of the documents put at its disposal by the different Administrations, a periodical in the French language on questions concerning the object of the Union.

Numbers of this periodical, like all the documents published by the international Bureau, shall be distributed among the Administrations of the countries of the Union, in proportion to the number of contributive units mentioned below. Copies and supplementary documents which shall be requested, either by the said Administrations, or by societies or individuals, shall be paid for separately.

The international Bureau shall hold itself at all times at the disposition of the members of the Union, to furnish them special information of which they may have need, on the questions relative to the international service of industrial property. It shall make an annual report of its management which shall be communicated to all members of the Union.

The official language of the international Bureau shall be French.

The expense of the international Bureau shall be borne in common by the contracting countries. They may not, in any case, exceed the sum of sixty thousand francs per year.

In order to determine the contributive part of each of the countries in this sum total of the expenses, the contracting countries and those which later join the Union shall be divided into six classes, each contributing in proportion to a certain number of units, to-wit:

	Units.
Class 1	25
Class 2	20
Class 3	15
Class 4	10
Class 5	5
Class 6	3

These coefficients shall be multiplied by the number of countries of each class, and the sum of the products thus obtained will furnish the number of units by which the total expenses are to be divided. The quotient will give the amount of the unit of expense.

Each of the contracting countries shall designate at the time of its accession, the class in which it wishes to be ranked.

The Government of the Swiss Confederation shall supervise the expenses of the international Bureau, make necessary advances and draw up annual statements of accounts which shall be communicated to all the other Administrations.

Article 14.

The present Convention shall be submitted to periodical revisions with a view to introducing improvements in it of a nature to perfect the system of the Union.

To this end Conferences of the delegates of the contracting countries shall be held successively in one of the said countries.

The Administration of the country where the Conference is to be held shall prepare, with the concurrence of the international Bureau the works of such Conference.

The Director of the international Bureau will assist at the meetings of the Conferences and take part in the discussions without a vote.

ARTICLE 15.

It is understood that the contracting countries reserve to themselves respectively the right to make separately, between themselves, special arrangements for the protection of industrial Property, in so far as these arrangements may not interfere with the provisions of the present Convention.

ARTICLE 16.

The countries which have not taken part in the present Convention shall be permitted to adhere to it upon their request.

Notice of adhesion shall be made through diplomatic channels to the Government of the Swiss Confederation, and by the latter to all the others.

It shall entail complete adhesion to all the clauses and admission to all the advantages stipulated by the present Convention, and shall take effect one month after the notification made by the Government of the Swiss Confederation to the other unionist countries, unless a later date shall have been indicated by the adhering country.

ARTICLE 16½.

The contracting countries have the right to adhere at any time to the present Convention for their colonies, possessions, dependencies and protectorates, or for certain ones of them.

They may, to this end, either make a general declaration by which all their colonies, possessions, dependencies and protectorates are included in the adherence, or expressly name those included therein, or simply indicate those excluded from it.

This declaration shall be made in writing to the Government of the Swiss Confederation and by the latter made to all the others.

The contracting countries can, under like conditions, renounce the Convention for their colonies, possessions, dependencies and protectorates, or for certain ones of them.

ARTICLE 17.

The fulfillment of the reciprocal obligations contained in the present Convention is subordinated, in so far as need be, to compliance with the formalities and regulations established by the constitutional laws of those of the contracting countries which are bound to secure the application of the same which they engage to do with the least possible delay.

ARTICLE 17½.

The Convention shall remain in force an indefinite time, until the expiration of one year from the day when the renunciation shall be made.

This renunciation shall be addressed to the Government of the Swiss Confederation. It shall effect only the country giving such

notice, the Convention remaining operative as to the other contracting countries.

ARTICLE 18.

The present Act shall be ratified, and the ratifications filed in Washington, at the latest, April 1, 1913. It shall be put into execution, among the countries which shall have ratified it, one month after the expiration of this period of time.

This Act, with its Final Protocol, shall replace, in the relations of the countries which shall have ratified it: the Convention of Paris, March 20, 1883: the Final Protocol annexed to that Act: the Protocol of Madrid, April 15, 1891 relating to the dotation of the international Bureau, and the additional Act of Brussels, December 14, 1900. However, the Acts cited shall remain binding on the countries which shall not have ratified the present Act.

ARTICLE 19.

The present Act shall be signed in a single copy, which shall be filed in the archives of the Government of the United States. A certified copy shall be sent by the latter to each of the unionist Governments.

In Witness Whereof, the respective Plenipotentiaries have signed the present Act.

Done at Washington, in a single copy, the second day of June, 1911.

For Germany:

HANIEL VON HAIMHAUSEN.
H. ROBOLSKI.
ALBERT OSTERRIETH.

For Austria and for Hungary:

L. BARON DE HENGELMULLER,
Ambassadeur d'Autriche-Hongrie.

For Austria:

DR. PAUL CHEVALIER BECK
DE MANNAGETTA ET LERCHENAU,
Chef de Section et Président de l'Office I. R. des Brevets d'invention.

For Hungary:

ELEMÉR DE POMPÉRY,
Conseiller ministériel à l'Office Royal hongrois Brevets d'invention.

For Belgium:

J. BRUNET.
GEORGES DE RO.
CAPITAINE.

For Brazil:

R. DE LIMA E SILVA.

For Cuba:

ANTONIO MARTIN RIVERO.

For Denmark:

J. CLAN.

For the Dominican Republic:

Emilio C. Joubert.

For Spain:

Juan Riaño y Gayangos.
J. Florez Posada.

For the United States of America:

Edward Bruce Moore.
Melville Church.
Charles H. Duell.
Robt. H. Parkinson.
Frederick P. Fish.

For France:

Pierre Lefèvre-Pontalis.
G. Breton.
Michel Pelletier.
Georges Maillard.

For Great Britain:

A. Mitchell Innes.
A. E. Bateman.
W. Temple Franks.

For Italy:

Lazzaro Negrotto Cambiaso.
Emilio Venezian.
G. B. Ceccato.

For Japan:

K. Matsui.
Morio Nakamatsu.

For the United States of Mexico:

J. de las Fuentes.

For Norway:

Ludwig Aubert.

For the Netherlands:

Snyder van Wissenkerke.

For Portugal:

J. F. H. M. da Franca, Vte. D'Alte.

For Servia:

——— ———.

For Sweden:

Albert Ehrensvard.

For Switzerland:

P. Ritter.
W. Kraft.
Henri Martin.

For Tunis:

E. de Peretti de la Rocca.

FINAL PROTOCOL.

At the time of proceeding to the signing of the Act concluded on this day, the undersigned Plenipotentiaries are agreed upon the following:

Ad Article 1.

The words "Propriete industrielle" (Industrial Property) shall be taken in their broadest acceptation; they extend to all production in the domain of agricultural industries (wines, grains, fruits, animals, etc.), and extractives (minerals, mineral waters, etc.).

Ad Article 2.

(*a*) Under the name of patents are comprised the different kinds of industrial patents admitted by the laws of the contracting countries, such as patents of importation, patents of improvement, etc., for the processes as well as for the products.

(*b*) It is understood that the provision in Article 2 which dispenses the members of the Union from the obligation of domicile and of establishment has an interpretable character and must, consequently, be applied to all the rights granted by the Convention of March 20, 1883, before the entrance into force of the present Act.

(*c*) It is understood that the provisions of Article 2 do not infringe the laws of each of the contracting countries, in regard to the procedure followed before the courts and the competency of those courts, as well as the election of domicile or the declaration of the selection of an attorney required by the laws on patents, working models, marks, etc.

Ad Article 4.

It is understood that, when an industrial model or design shall have been filed in a country by virtue of the right of priority based on the filing of a working model, the term of priority shall be only that which Article 4 has fixed for industrial models and designs.

Ad Article 6.

It is understood that the provision of the first paragraph of Article 6 does not exclude the right to require of the depositor a certificate of regular registration in the country of origin, issued by competent authority.

It is understood that the use of badges, insignia or public decorations which shall not have been authorized by competent powers, or the use of official signs and stamps of control and of guaranty adopted, by a unionist country, may be considered as contrary to public order in the sense of No. 3 of Article 6.

However, marks, which contain, with the authorization of competent powers, the reproduction of badges, decorations or public insignia, shall not be considered as contrary to public order.

It is understood that a mark shall not be considered as contrary to public order for the sole reason that it is not in conformity with

some provision of laws on marks, except in the case where such provision itself concerns public order.

The present Final Protocol, which shall be ratified at the same time as the Act concluded on this day, shall be considered as forming an integral part of this Act, and shall be of like force, value and duration.

In Witness Whereof; the respective Plenipotentiaries have signed the present Protocol.

Done at Washington, in a single copy, June 2, 1911.

Haniel von Haimhausen.
H. Robolski.
Albert Osterrieth.
L. Baron de Hengelmuller.
Dr. Paul Chevalier Beck de Mannagetta et Lerchenau.
Elemér Pompéry.
J. Brunet.
Georges de Ro.
Capitaine.
R. de Lima e Silva.
J. Clan.
Juan Riaño y Gayangos.
J. Florez Posada.
Edward Bruce Moore.
Melville Church.
Charles H. Duell.
Frederick P. Fish.
Robt. H. Parkinson.
Emilio C. Joubert.
Pierre Lefèvre-Pontalis.
Michel Pelletier.
G. Breton.
Georges Maillard.
A. Mitchell Innes.
A. E. Bateman.
W. Temple Franks.
Lazzaro Negrotto Cambiaso.
Emilio Venezian.
G. B. Ceccato.
K. Matsui.
Morio Nakamatsu.
J. de las Fuentes.
Snyder van Wissenkerke.
J. F. H. M. da Franca, Vte. D'Alte.
Albert Ehrensvärd.
P. Ritter.
W. Kraft.
Henri Martin.
E. de Peretti de la Rocca.
Ludwig Aubert.
Antonio Martin Rivero.

FRANCE.

1911.

Arbitration Convention.[a]

Signed at Washington August 3, 1911; ratification advised by the Senate March 5, 1912.

[The text of this convention is taken from the copy printed for the use of the Senate of the United States.]

Articles.

I. Differences to be submitted; special agreement.
II. Joint High Commission of Inquiry.
III. Duties.
IV. Procedure.
V. Time and place of meeting.
VI. Arbitration treaty of 1908 superseded.
VII. Duration; ratification.

The United States of America and the French Republic being equally desirous of perpetuating the firm, inviolable and universal peace, which has happily existed between the two nations from the earliest days of American independence, and which has been confirmed and strengthened by their close relations of friendship and commerce, and there being no important question of difference now outstanding between them, and both nations being resolved that no future difference shall be a cause of hostilities between them or interrupt their good relations;

The High Contracting Parties have, therefore, determined, in furtherance of this end, to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of February 10, 1908, so as to exclude certain exceptions contained in that Treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy.

And for that purpose they have appointed as their respective Plenipotentiaries:

The President of the United States of America, the Honorable Philander C. Knox, Secretary of State of the United States; and

The President of the French Republic, His Excellency J. J. Jusserand, Ambassador of the French Republic at Washington;

Who, duly authorized, have agreed upon the following Articles:

Article I.

All differences hereafter arising between the High Contracting Parties, which it has not been possible to adjust by diplomacy,

[a] This convention has not been ratified by the President of the United States.

relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other arbitral tribunal, as *shall* [may] be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

The provisions of Articles 37 to 90, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at the Second Peace Conference at The Hague on the 18th October, 1907, so far as applicable, and unless they are inconsistent with or modified by the provisions of the special agreement to be concluded in each case, and excepting Articles 53 and 54 of such Convention, shall govern the arbitration proceedings to be taken under this Treaty.

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of France subject to the procedure required by the constitutional laws of France.

Such agreements shall be binding when confirmed by the two Governments by an exchange of notes.

ARTICLE II.

The High Contracting Parties further agree to institute as occasion arises, and as hereinafter provided, a Joint High Commission of Inquiry to which, upon the request of either Party, shall be referred for impartial and conscientious investigation any controversy between the Parties within the scope of Article I, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them even if they are not agreed that it falls within the scope of Article I; provided, however, that such reference may be postponed until the expiration of one year after the date of the formal request therefor, in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either Party desires such postponement.

Whenever a question or matter of difference is referred to the Joint High Commission of Inquiry, as herein provided, each of the High Contracting Parties shall designate three of its nationals to act as members of the Commission of Inquiry for the purposes of such reference; or the Commission may be otherwise constituted in any particular case by the terms of reference, the membership of the Commission and the terms of reference to be determined in each case by an exchange of notes.

The provisions of Articles 9 to 36, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at The Hague on the 18th October, 1907, so far as applicable and unless they are inconsistent with the provisions of this Treaty,

or are modified by the terms of reference agreed upon in any particular case, shall govern the organization and procedure of the Commission.

ARTICLE III.

The Joint High Commission of Inquiry, instituted in each case as provided for in Article II, is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law, and shall in no way have the character of an arbitral award.

[It is further agreed, however, that in cases in which the Parties disagree as to whether or not a difference is subject to arbitration under Article I of this Treaty, that question shall be submitted to the Joint High Commission of Inquiry; and if all or all but one of the members of the Commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this Treaty.]

ARTICLE IV.

The Commission shall have power to administer oaths to witnesses and take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this Treaty; and the High Contracting Parties agree to adopt such legislation as may be appropriate and necessary to give the Commission the powers above mentioned, and to provide for the issue of subpœnas and for compelling the attendance of witnesses in the proceedings before the Commission.

On the inquiry both sides must be heard, and each Party is entitled to appoint an Agent, whose duty it shall be to represent his Government before the Commission and to present to the Commission, either personally or through counsel retained for that purpose, such evidence and arguments as he may deem necessary and appropriate for the information of the Commission.

ARTICLE V.

The Commission shall meet whenever called upon to make an examination and report under the terms of this Treaty, and the Commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction of the two Governments. Each Commissioner, upon the first joint meeting of the Commission after his appointment, shall, before proceeding with the work of the Commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this Treaty, and such declaration shall be entered on the records of the proceedings of the Commission.

The United States and French sections of the Commission may each appoint a secretary, and these shall act as joint secretaries of the

Commission at its joint sessions, and the Commission may employ experts and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the Commission and of the agents and counsel and of the secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the Commission incurred by it shall be paid in equal moieties by the High Contracting Parties.

ARTICLE VI.

This Treaty shall supersede the Arbitration Treaty concluded between the High Contracting Parties on February 10, 1908.

ARTICLE VII.

The present Treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by the President of the French Republic, in accordance with the constitutional laws of France. The ratifications shall be exchanged at Washington as soon as possible and the Treaty shall take effect on the date of the exchange of its ratifications. It shall thereafter remain in force continuously unless and until terminated by twelve months' written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this Treaty in duplicate in the English and French languages and have hereunto affixed their seals.

Done at Washington and Paris this third day of August, one thousand nine hundred and eleven.

[SEAL.] PHILANDER C. KNOX.
[SEAL.] JUSSERAND.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

(Legislative day, MARCH 5, 1912; calendar day, MARCH 7, 1912.)

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of a treaty signed by the plenipotentiaries of the United States and France on August 3, 1911, extending the scope and obligation of the policy of arbitration adopted in the present arbitration treaty of February 10, 1908, between the two countries, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, with the following

AMENDMENTS.

On page 2, line 39, after the word " tribunal " insert a comma.

In the same line strike out the word " may " and insert " shall."

On page 4 strike out the paragraph commencing on line 22 and ending on line 29.

Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such

ratification, that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or monied obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy.

GREAT BRITAIN.

1911.

Arbitration Convention.[a]

Signed at Washington August 3, 1911; ratification advised by the Senate March 5, 1912.

[The text of this convention is taken from the copy printed for the use of the United States.]

Articles.

I. Differences to be submitted; special agreement.
II. Joint High Commission of Inquiry.
III. Duties.
IV. Procedure.
V. Time and place of meeting.
VI. Arbitration treaty of 1908 superseded.
VII. Duration, ratification.

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, being equally desirous of perpetuating the peace, which has happily existed between the two nations, as established in 1814 by the Treaty of Ghent, and has never since been interrupted by an appeal to arms, and which has been confirmed and strengthened in recent years by a number of treaties whereby pending controversies have been adjusted by agreement or settled by arbitration or otherwise provided for; so that now for the first time there are no important questions of difference outstanding between them, and being resolved that no future differences shall be a cause of hostilities between them or interrupt their good relations and friendship;

The High Contracting Parties have, therefore, determined, in furtherance of these ends, to conclude a treaty extending the scope and obligations of the policy of arbitration adopted in their present arbitration treaty of April 4, 1908, so as to exclude certain exceptions contained in that treaty and to provide means for the peaceful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, and for that purpose they have appointed as their respective Plenipotentiaries:

The President of the United States of America, the Honorable Philander C. Knox, Secretary of State of the United States; and

His Britannic Majesty, the Right Honorable James Bryce, O. M., his Ambassador Extraordinary and Plenipotentiary at Washington;

[a] This convention has not been ratified by the President of the United States.

Who, having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I.

All differences hereafter arising between the High Contracting Parties, which it has not been possible to adjust by diplomacy, relating to international matters in which the high Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other arbitral tribunal, as *shall* [may] be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define the scope of the powers of the arbitrators, the question or questions at issue, and settle the terms of reference and the procedure thereunder.

The provisions of Articles 37 to 90, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at the Second Peace Conference at The Hague on the 18th October, 1907, so far as applicable, and unless they are inconsistent with or modified by the provisions of the special agreement to be concluded in each case, and excepting Articles 53 and 54 of such Convention, shall govern the arbitration proceedings to be taken under this Treaty.

The special agreement in each case shall be made on the part of the United States by the President of the United States, by and with the advice and consent of the Senate thereof, His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing dominion of the British Empire to obtain the concurrence therein of the government of that dominion.

Such agreements shall be binding when confirmed by the two Governments by an exchange of notes.

ARTICLE II.

The High Contracting Parties further agree to institute as occasion arises, and as hereinafter provided, a Joint High Commission of Inquiry to which, upon the request of either Party, shall be referred for impartial and conscientious investigation any controversy between the Parties within the scope of Article I, before such controversy has been submitted to arbitration, and also any other controversy hereafter arising between them even if they are not agreed that it falls within the scope of Article I; provided, however, that such reference may be postponed until the expiration of one year after the date of the formal request therefor, in order to afford an opportunity for diplomatic discussion and adjustment of the questions in controversy, if either Party desires such postponement.

Whenever a question or matter of difference is referred to the Joint High Commisison of Inquiry, as herein provided, each of the High Contracting Parties shall designate three of its nationals to act as members of the Commission of Inquiry for the purposes of such

reference; or the Commission may be otherwise constituted in any particular case by the terms of reference, the membership of the Commission and the terms of reference to be determined in each case by an exchange of notes. The provisions of Articles 9 to 36, inclusive, of the Convention for the Pacific Settlement of International Disputes concluded at The Hague on the 18th October, 1907, so far as applicable and unless they are inconsistent with the provisions of this Treaty, or are modified by the terms of reference agreed upon in any particular case, shall govern the organization and procedure of the Commission.

ARTICLE III.

The Joint High Commission of Inquiry, instituted in each case as provided for in Article II, is authorized to examine into and report upon the particular questions or matters referred to it, for the purpose of facilitating the solution of disputes by elucidating the facts, and to define the issues presented by such questions, and also to include in its report such recommendations and conclusions as may be appropriate.

The reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or on the law and shall in no way have the character of an arbitral award.

[It is further agreed, however, that in cases in which the Parties disagree as to whether or not a difference is subject to arbitration under Article I of this Treaty, that question shall be submitted to the Joint High Commission of Inquiry; and if all or all but one of the members of the Commission agree and report that such difference is within the scope of Article I, it shall be referred to arbitration in accordance with the provisions of this Treaty.]

ARTICLE IV.

The Commission shall have power to administer oaths to witnesses and take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this Treaty; and the High Contracting Parties agree to adopt such legislation as may be appropriate and necessary to give the Commission the powers above mentioned, and to provide for the issue of subpœnas and for compelling the attendance of witnesses in the proceedings before the Commission.

On the inquiry both sides must be heard, and each Party is entitled to appoint an Agent, whose duty it shall be to represent his Government before the Commission and to present to the Commission, either personally or through counsel retained for that purpose, such evidence and arguments as he may deem necessary and appropriate for the information of the Commission.

ARTICLE V.

The Commission shall meet whenever called upon to make an examination and report under the terms of this Treaty, and the Commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction of the two

Governments. Each Commissioner, upon the first joint meeting of the Commission after his appointment, shall, before proceeding with the work of the Commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this Treaty, and such declaration shall be entered on the records of the proceedings of the Commission.

The United States and British sections of the Commission may each appoint a secretary, and these shall act as joint secretaries of the Commission at its joint sessions, and the Commission may employ experts and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the Commission and of the agents and counsel and of the secretaries shall be paid by their respective Governments and all reasonable and necessary joint expenses of the Commission incurred by it shall be paid in equal moieties by the High Contracting Parties.

ARTICLE VI.

This Treaty shall supersede the Arbitration Treaty concluded between the High Contracting Parties on April 4, 1908, but all agreements, awards, and proceedings under that Treaty shall continue in force and effect and this Treaty shall not affect in any way the provisions of the Treaty of January 11, 1909, relating to questions arising between the United States and the Dominion of Canada.

ARTICLE VII.

The present Treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty. The ratifications shall be exchanged at Washington as soon as possible and the Treaty shall take effect on the date of the exchange of its ratifications. It shall thereafter remain in force continuously unless and until terminated by twenty-four months' written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this Treaty in duplicate and have hereunto affixed their seals.

Done at Washington the third day of August, in the year of our Lord one thousand nine hundred and eleven.

[SEAL.] PHILANDER C. KNOX.
[SEAL.] JAMES BRYCE.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

(Legislative day, MARCH 5, 1912; calendar day, MARCH 7, 1912.)

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of a treaty signed by the plenipotentiaries of the United States and Great Britain on August 3, 1911, extending the scope and obligation of the policy of arbitration adopted in the present arbitration treaty of April 4, 1908, between the two countries, so as to exclude certain exceptions contained in that treaty and to provide means for the peace-

ful solution of all questions of difference which it shall be found impossible in future to settle by diplomacy, with the following

AMENDMENTS.

On page 3, line 4, after the word "tribunal" add a comma.

In the same line strike out "may" and insert in lieu thereof "shall."

On page 4 strike out the paragraph commencing on line 28 and ending on line 35.

Provided, That the Senate advises and consents to the ratification of the said treaty with the understanding, to be made part of such ratification, that the treaty does not authorize the submission to arbitration of any question which affects the admission of aliens into the United States, or the admission of aliens to the educational institutions of the several States, or the territorial integrity of the several States or of the United States, or concerning the question of the alleged indebtedness or monied obligation of any State of the United States, or any question which depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe doctrine, or other purely governmental policy.

1913.

International Sanitary Convention.[a]

Signed at Paris January 17, 1912; ratification advised by the Senate February 19, 1913.

[The text of this convention is taken from the copy printed for the use of the Senate of the United States.]

ARTICLES.

TITLE 1.—GENERAL PROVISIONS.

CHAPTER I.—RULES TO BE OBSERVED BY THE COUNTRIES SIGNING THE CONVENTION AS SOON AS PLAGUE, CHOLERA, OR YELLOW FEVER APPEARS IN THEIR TERRITORY.

SECTION I.—*Notification and subsequent communications to the other countries.*

1. Notification.
2. Contents of.
3. To whom addressed.
4. Governments to be regularly informed as to the progress of epidemic.
5. Importance of.
6. Information service of neighboring countries.

SECTION II.—*Conditions which warrant considering a territorial area as being contaminated or as having become healthy again.*

7. Measures prescribed not applicable to single case.
8. Measures prescribed applicable only to arrivals from contaminated areas.
9. Requirements for considering area no longer contaminated.

SECTION III.—*Measures in contaminated ports upon the departure of vessels.*

10. Embarkation of persons, etc., under what circumstances prevented.

CHAPTER II.—MEASURES OF DEFENSE AGAINST CONTAMINATED TERRITORIES.

SECTION I.—*Publication of the prescribed measures.*

11. Publication and communication of; revocation or modification of measures.

SECTION II.—*Merchandise—Disinfection—Importation and transit—Baggage.*

12. Contaminated merchandise defined.
13. Merchandise, when to be disinfected; when entry is prohibited.
14. Transit of merchandise not prohibited through infected area under certain conditions.
15. Limitation as to time of shipping merchandise from infected area.
16. Mode and place of disinfection determined by authorities of country of destination; damages as result of disinfection determined by each nation.
17. Letters, correspondence, etc., not including parcels, not subject to restriction or disinfection; parcels included in case of yellow fever.
18. Merchandise, detention of, prohibited; measures relative to.
19. Merchandise, owner of, entitled to certificate of disinfection.
20. Clothing, household goods, etc., when subject to disinfection.

[a] Awaiting ratification by other governments.

SECTION III.—*Measures in ports and at maritime frontiers.*

A.—Classification of vessels.

21. Vessels "infected," "suspicious," or "uninfected," how determined.

B. Measures concerning plague.

22. Ships infected with plague; measures applicable thereto.
23. Vessels suspected of plague; measures applicable thereto.
24. Vessels uninfected with plague, pratique granted immediately; measures applicable thereto.
25. Plague-stricken rats on uninfected vessels; measures to be applied to vessel and crew.
26. Recommendation for periodical destruction of rats.

C.—Measures concerning cholera.

27. Vessels infected with cholera; medical inspection, isolation, surveillance, and disinfection.
28. Vessels suspected of cholera; measures applicable thereto.
29. Vessels uninfected with cholera to be granted partique; measures applicable thereto.

D.—Measures concerning the yellow fever.

30. Vessels infected with yellow fever; medical inspection, isolation, and protection from mosquito bites; surveillance.
31. Vessels suspected of yellow fever subject to six days' surveillance, and measures applicable thereto.
32. Vessels uninfected with yellow fever granted pratique after medical inspection.
33. Countries to which articles 30 and 31 apply.

E.—Provisions common to all three diseases.

34. Rules for applying measures set forth in articles 22 to 33.
35. Special measures, when may be prescribed.
36. Election of vessel to submit to regulations, or put to sea; how cargo only may be landed.
37. Conditions under which vessels shall not be subjected to sanitary measures at each succeeding port.
38. Contents of certificate issued by sanitary officer and captain, etc.
39. Contents of certificate issued by sanitary officer to passengers.
40. Coasting vessels, establishment by mutual agreement of special measures.
41. Privilege of riparian nations to modify by special agreements sanitary measures.
42. Organization and equipment required at one or more ports to be designated.
43. Recommendation for proper treatment and care of crew and inhabitants of large ports.
44. Sanitary measures of country of departure to be considered in treatment accorded arrivals.

SECTION IV.—*Measures on land frontiers—Travelers—Railroads—Frontier zones—River routes.*

45. Land quarantines not permitted; detention at frontiers; right to close part of frontiers.
46. Surveillance of passengers by railroad employees.
47. Limitation of medical interference of passengers.
48. Duration of surveillance of passengers on arrival from infected localities.
49. Reservation of right to take special measures respecting gypsies, vagabonds, and others.
50. Cars not subjected to detention at frontiers; disinfection of.
51. Companies or departments concerned shall determine measures for crossing frontiers by railroad and postal employees.

52. Contiguous nations shall determine frontier traffic by special arrangements.
53. Riparian nations to regulate sanitary conditions of river routes by special arrangements.

TITLE II.—SPECIAL PROVISIONS APPLICABLE TO ORIENTAL AND FAR EASTERN COUNTRIES.

SECTION I.—*Measures in ports contaminated upon the departure of vessels.*

54. Examination of persons embarking on vessels.

SECTION II.—*Measures with respect to ordinary vessels hailing from contaminated northern ports and appearing at the entrance of the Suez Canal or in Egyptian ports.*

55. Uninfected vessels permitted to pass through Suez Canal and continue their route under observation.
56. Uninfected vessels for Egyptian ports may stop at Alexandria or Port Said to complete observation.
57. Sanitary regulations to be applied to such vessels; acceptance of regulations by various powers.

SECTION III.—*Measures in the Red Sea.*

A.—Measures with respect to ordinary vessels hailing from the south and appearing in ports of the Red Sea or bound toward the Mediterranean.

58. Vessels coming from the south and entering Red Sea subject to ensuing articles, independent of general provisions.
59. Observation period for uninfected vessels.
60. Suspected vessels; presence of physician and disinfecting apparatus to be considered in treatment of; isolation and disinfection of passengers Egyptian bound.
61. Infected vessels classified:
(*a*) With physician and apparatus.
(*b*) Without physician and apparatus; regulations with reference thereto.

B.—Measures with respect to ordinary vessels hailing from the infected ports of Hedjaz during the pilgrimage season.

62. Shall be regarded and treated as suspected vessels.

SECTION IV.—*Organization of surveillance and disinfection at Suez and Moses Spring.*

63. Medical inspection to be made in daytime, except when vessel is lit by electricity.
64. Number, qualification, and appointment of physicians at Suez station; inadequacy of force to be augmented by surgeons of navies of the several nations.
65. Corps of sanitary guards.
66. Number of guards and manner of appointment.
67. Classification of guards.
68. Compensation of guards.
69. Authority vested in guards.

SECTION V.—*Passage through the Suez Canal in quarantine.*

70. Passage through quarantine; how granted.
71. Notification of passage to each power.
72. Penalties for abandonment of route; exceptions.
73. Interrogatories as to stokers and other workmen to be answered by captain under oath.
74. Health officer and guards to accompany vessel and enforce measures.

75. Embarkations, landings, and transshipments of passengers or cargo forbidden during passage.
76. Docking during passage forbidden; exception.
77. Regulations for conveying troops.
78. Vessels forbidden to stop in harbor of Port Said; exception and treatment thereunder.
79. Coaling of vessels at Port Said, and regulation thereof.
80. Disinfection of pilots, electricians, and others.
81. Regulations concerning the passage of war vessels.
82. Regulations respecting the transit through Egyptian territory of mails and passengers in quarantine trains.

SECTION VI.—*Sanitary measures applicable to the Persian Gulf.*

83. Regulations established applicable, subject to certain reservations.

TITLE III.—PROVISIONS SPECIALLY APPLICABLE TO PILGRIMAGES.

CHAPTER I.—GENERAL PROVISIONS.

84. Persons on pilgrim ships subject to provisions of article 54, Title II.
85. Pilgrims shall not embark when plague or cholera exists in port.
86. Evidence showing ability to complete pilgrimage required.
87. Steamships alone permitted to engage in transportation of pilgrims.
88. Coasting-trade vessels subject to regulations applicable to Hedjaz pilgrimage.
89. "Pilgrim ship" determined by number of pilgrims embarking.
90. Pilgrim ships in Ottoman waters subject to special regulations applicable to Hedjaz pilgrimage.
91. Sanitary taxes from pilgrims payable by captain.
92. Disposition of pilgrims at point of debarkation.
93. Provisions of pilgrims to be destroyed if necessary.

CHAPTER II.—PILGRIM SHIPS—SANITARY ARRANGEMENTS.

SECTION I.—*General arrangement of vessels.*

94. Space required on board ship for each pilgrim.
95. Reservation of place and supply of sea water for needs of pilgrims.
96. Water-closets for use of pilgrims.
97. Arrangements for cooking by pilgrims.
98. Infirmaries and sanitary arrangements for lodging the sick.
99. Free medicines, disinfectants, etc., for pilgrims.
100. Ship required to carry physician.
101. Allowance of food and water and cost of extras to be posted.
102. Baggage of pilgrims shall be registered, etc.
103. Regulations to be posted in various languages.

SECTION II.—*Measures to be taken before departure.*

104. Intent to embark pilgrims, the day of sailing, and destination of vessel to be declared by captain.
105. Inspection and measurement of vessel.
106. Departure of vessel dependent upon compliance with regulations.
107. Passenger list to be visèd by competent authority and bill of health required before departure.

SECTION III.—*Measures to be taken during the passage.*

108. Freedom of deck for use by passengers.
109. Space between decks to be cleaned daily.
110. Cleansing and disinfecting water-closets.
111. Collection of plague or cholera infected excretions and dejections.
112. Disinfection of infected articles of bedding, etc.
113. Disinfection of quarters occupied by patients.
114. Disinfection of pilgrim ship governed by regulations of country of vessel.

115. Quantity of drinking water allowed daily.
116. Treatment and disposition of contaminated water.
117. Duties of ship physician in regard to pilgrims.
118. Isolation of persons in charge of plague or cholera patients.
119. Record of death on ship board, and disposition of body.
120. Record of sanitary measures executed.
121. Landings and embarkations during voyage.
122. Bill of health not to be changed, and to be viséd by health authority at each port.

SECTION IV.—*Measures to be taken on the arrival of pilgrims in the Red Sea.*

A.—Sanitary measures applicable to Mussulman-pilgrim ships hailing from an infected port and bound from the south toward Hedjaz.

122. Inspection of pilgrim ships at Camaran.
123. Nature of inspection required before vessel shall be recognized as uninfected.
124. Treatment of pilgrims on board suspicious vessels.
125. Treatment of pilgrims on board infected vessels.
126. Equipment and force of sanitary stations.

B.—Sanitary measures applicable to Mussulman-pilgrim ships hailing from the south and bound toward Hedjaz.

127. Conditions under which pratique shall be immediately granted.
128. Existence of plague or cholera in port or on board subjects vessel to rules applicable at Camaran.

SECTION V.—*Measures to be taken upon the return of pilgrims.*

129. All vessels carrying returning pilgrims must submit to sanitary observation at Tor.
130. Quarantine of vessel returning Mussulman pilgrims through canal.
131. Egyptian pilgrims only allowed to leave vessel at Tor.
132. Observation of Egyptian pilgrims required.
133. Infected vessels subject to rules adopted at Camaran and to certain special provisions.
134. Egyptian pilgrims subject to additional observation.
135. Uninfected vessels subject only to rules adopted at Camaran; additional special provisions.
136. Return of vessel from Suez to Tor if suspicious case is on board.
137. Transshipment of pilgrims in Egyptian ports forbidden.
138. Vessels bound for African shore to be subjected at Souakim to same quarantine procedure as at Tor.
139. Vessels not carrying returning pilgrims granted pratique on inspection at Suez.
140. Rules governing caravans when plague or cholera is known to exist in Hedjaz.
141. Examination and disinfection of caravans when plague or cholera has not been observed in Hedjaz.

B.—Pilgrims returning southward.

142. Measures prescribed in articles 10 and 54 applied to pilgrims at ports of embarkation when deemed necessary.

CHAPTER III.—PENALTIES.

143. For failure to distribute water, provisions, etc.
144. For infraction of article 101.
145. For committing fraud concerning list of pilgrims or bill of health.
146. For arrival without bill of health or without visé.
147. For carrying more than 100 pilgrims without physician.

148. For carrying more pilgrims than authorized.
149. For landing pilgrims at place other than destination.
150. For all other infractions of provisions relative to pilgrims.
151. Report and delivery to proper authority of violations proven.
152. For failure of agents to assist in executing provisions of convention.

TITLE IV.—SURVEILLANCE AND EXECUTION.

I.—*Sanitary, maritime, and quarantine board of Egypt.*

153. Confirmation of decrees and decision of Khedive.
154. Expense incurred by increase of personnel to be paid by Egyptian Government.
155. Revision of regulations in force to conform to convention, and acceptance by other powers.

II.—*International health board of Tangier.*

156. Necessity for enforcing provision of sanitary convention in Morocco.

III.—*Miscellaneous provisions.*

157. Limitation of the use of sanitary taxes and fines.
158. Instructions to captains of vessels with regard to plague, cholera, and yellow fever.

TITLE V.—ADHESIONS AND RATIFICATIONS.

159. Nonsignatory powers.
160. Ratification.

[Translation.]

His Majesty the Emperor of Germany, King of Prussia, in the name of the German Empire; the President of the United States of America; the President of the Argentine Republic; His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolical King of Hungary; His Majesty the King of the Belgians; the President of the Republic of Bolivia; the President of the Republic of the United States of Brazil; His Majesty the King of the Bulgarians; the President of the Republic of Chile; the President of the Republic of Colombia; the President of the Republic of Costa Rica; the President of the Republic of Cuba; His Majesty the King of Denmark; the President of the Republic of Ecuador; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great Britain and Ireland and the British Territories beyond the Seas, Emperor of India; His Majesty the King of the Hellenes; the President of the Republic of Guatemala; the President of the Republic of Haiti; the President of the Republic of Honduras; His Majesty the King of Italy; His Royal Highness the Grand Duke of Luxemburg; the President of the United Mexican States; His Majesty the King of Montenegro; His Majesty the King of Norway; the President of the Republic of Panama; Her Majesty the Queen of the Netherlands; His Majesty the Shah of Persia; the President of the Portuguese Republic; His Majesty the King of Rumania; His Majesty the Emperor of all the Russias; the President of the Republic of Salvador; His Majesty the King of Servia; His Majesty the King of Siam; His Majesty the King of Sweden; the Swiss Federal Council; His Majesty the Emperor of the

Ottomans; His Highness the Khedive of Egypt, acting within the limits of the powers conferred upon him by the Imperial firmans, and the President of the Oriental Republic of Uruguay,

Having decided to make such modifications in the provisions of the Sanitary Convention signed at Paris on December 3, 1903, as are warranted by the new data of prophylactic science and experience, to enact new international regulations in regard to yellow fever, and to extend as far as possible the field of application of the principles underlying the international sanitary regulations, have appointed as their Plenipotentiaries, to wit:

His Majesty the Emperor of Germany, King of Prussia,

Baron von Stein, Superior Privy Government Counselor, Reporting Counselor in the Imperial Office of the Interior, member of the Board of Health of the Empire;

Professor Gaffky, Superior Privy Medical Councilor, Director of the Royal Institute for Infectious Diseases at Berlin, member of the Board of Health of the Empire;

The President of the United States of America,

Mr. A. Bailly-Blanchard, Minister Plenipotentiary, Counselor of the Embassy of the United States of America at Paris;

The President of the Argentine Republic,

Dr. Francisco de Veyga, Inspector General of the Medical Services of the Argentine Army, Professor in the Faculty of Medicine and member of the National Board of Hygiene;

Dr. Ezequiel Castilla, member of the Committee of the International Office of Public Hygiene;

His Majesty the Emperor of Austria, King of Bohemia, etc., etc., and Apostolical King of Hungary,

Baron Maximilian von Gagern, Grand Cross of the Imperial Austrian Order of Francis Joseph, His Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation;

Knight Francis von Haberler, Doctor of Law and Medicine, Ministerial Counselor in the Imperial-Royal Austrian Ministry of the Interior;

Mr. Étienne Worms, Doctor of Law, Knight of the Imperial Austrian Order of Francis Joseph, Section Counselor in the Imperial Royal Austrian Ministry of Commerce;

Mr. Jules Bölcs de Nagybudafa, Counselor in the Royal Hungarian Ministry of the Interior;

Baron Calman von Müller, Doctor of Medicine, Ministerial Counselor, Professor in the Royal Hungarian University of Budapest, President of the Board of Health of the Kingdom, member of the Hungarian Chamber of Magnates;

His Majesty the King of the Belgians,

Mr. O. Velghe, Director General of the Sanitary and Hygienic Service in the Ministry of the Interior, Secretary Member of the Superior Board of Hygiene, Officer of the Order of Leopold;

Mr. E. van Ermengem, Professor in the University of Ghent, member of the Superior Board of Hygiene, Commander of the Order of Leopold;

The President of the Republic of Bolivia,

Mr. Ismael Montes, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

Dr. Chervin, Knight of the National Order of the Legion of Honor;

The President of the Republic of the United States of Brazil,

Dr. Henrique de Figueiredo Vasconcellos, Chief of Service in the Oswaldo Cruz Institute at Rio de Janeiro;

His Majesty the King of the Bulgarians,

Mr. Dimitrius Stancioff, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

Dr. Chichkoff, Medical Captain in the Bulgarian Army;

The President of the Republic of Chile,

Mr. Federico Puga Borne, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

The President of the Republic of Colombia,

Dr. Juan E. Manrique, Minister Plenipotentiary;

The President of the Republic of Costa Rica,

Dr. Alberto Alvarez Cañas, Consul General of the Republic of Costa Rica at Paris;

The President of the Republic of Costa Rica,

General Tomás Collazo y Tejada, his Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the King of Denmark,

Count de Reventlow, Grand Cross of the Order of Danebrog, his Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

The President of the Republic of Ecuador,

Mr. Victor M. Rendon, his Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

Mr. E. Dorn y de Alsua, First Secretary of the Legation of the Republic of Ecuador at Paris;

His Majesty the King of Spain,

Mr. Francisco de Reynoso, Minister Resident, Counselor of the Royal Embassy of Spain at Paris;

Dr. Angel Pulido Fernandez, Sanitary Counselor, former Director General of Health, Life Senator of the Kingdom;

The President of the French Republic,

Mr. Camille Barrère, Ambassador of the French Republic to H. M. the King of Italy, Grand Cross of the National Order of the Legion of Honor;

Mr. Fernand Gavarry, Minister Plenipotentiary of the first class, Director of Administrative and Technical Affairs in the Ministry of Foreign Affairs, Officer of the National Order of the Legion of Honor;

Dr. Emile Roux, President of the Superior Board of Public Hygiene of France, Director of the Pasteur Institute, Commander of the National Order of the Legion of Honor;

Mr. Louis Mirman, Director of Public Assistance and Hygiene in the Ministry of the Interior;

Dr. A. Calmette, Director of the Pasteur Institute of Lille, Officer of the National Order of the Legion of Honor;

Mr. Ernest Ronssin, Consul General of France in India, Officer of the National Order of the Legion of Honor;

Mr. Georges Harismendy, Counsel General, Assistant Chief of the Bureau of International Unions and Consular Affairs in the Ministry

of Foreign Affairs, Knight of the National Order of the Legion of Honor;

Mr. Paul Roux, Assistant Chief in the Ministry of the Interior, Knight of the National Order of the Legion of Honor;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Territories beyond the seas, Emperor of India.

The Honorable Lancelot Douglas Carnegie, Minister Plenipotentiary, Counselor of the Royal British Embassy at Paris, member of the Royal Order of Victoria;

Dr. Ralph William Johnstone, Medical Inspector of the Local Government Board;

Surgeon General Sir Benjamin Franklin, former Director General of the Indian Medical Service and former Head of the Health Service for British India, Knight Commander of the Order of the Empire of India, Knight of Grace of the Order of St. John of Jerusalem;

His Majesty the King of the Hellenes,

Mr. Demetrius Caclamanos, First Secretary of the Royal Legation of Greece at Paris;

The President of the Republic of Guatemala,

Mr. José Maria Lardizabal, Chargé d'Affaires of the Republic of Guatemala at Paris;

The President of the Republic of Haiti,

Dr. August Casseus;

The President of the Republic of Honduras,

Mr. Désiré Pector, Consul General of the Republic of Honduras at Paris, member of the Permanent Court of Arbitration of The Hague;

His Majesty the King of Italy,

Commander Rocco Santoliquido, Deputy Doctor of Medicine, Director General of Public Health of the Kingdom;

Dr. Adolfo Cotta, Chief of Division in the Royal Ministry of the Interior;

His Royal Highness the Grand Duke of Luxemburg,

Mr. E. L. Bastin, Consul of Luxemburg at Paris;

Dr. Praum, Director of the Practical Laboratory of Bacteriology at Luxemburg;

The President of the United Mexican States,

Dr. Miguel Zuñiga y Azcarate;

His Majesty the King of Montenegro,

Mr. Louis Brunet, Consul General of Montenegro at Paris;

Dr. Edouard Binet, Chief Surgeon of the Hospital of the Eight Score;

His Majesty the King of Norway,

Mr. Frederick, Hartvig, Herman Wedel Jarlsberg, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

The President of the Republic of Panama,

Mr. Juan Antonio Jimenez, Chargé d'Affaires of the Republic of Panama at Paris;

Her Majesty the Queen of the Netherlands,

Dr. W. P. Ruysch, Inspector General of the Sanitary Service of South Holland and Zealand;

Dr. C. Winkler, retired Medical Inspector of the Civil Health Service for Java and Madoura;

His Majesty the Shah of Persia,

Samad Khan Momtazos Saltaneh, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

The President of the Portuguese Republic,

Dr. Antonio Augusto Gonçalves Braga, Sanitary Maritime Physician at Lisbon;

His Majesty the King of Rumania,

Mr. Alexander Em. Lahovary, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the Emperor of All the Russias,

Mr. Platon de Waxel, Privy Councilor, permanent member of the Council of the Ministry of Foreign Affairs and of the Board of Public Hygiene in the Imperial Ministry of the Interior;

Dr. Freyberg, Actual Counselor of State, Official of the Imperial Ministry of the Interior, Representative of the Commission created by Supreme Order against the propagation of the plague;

The President of the Republic of Salvador,

Dr. S. Letona, Consul General of the Republic of Salvador at Paris;

His Majesty the King of Servia,

Dr. Milenko Vesnitch, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic;

His Majesty the King of Siam,

Dr. A. Manaud, Sanitary Counselor of the Royal Government;

His Majesty the King of Sweden,

Count Gyldenstolpe, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic:

The Swiss Federal Council,

Mr. Charles Edouard Lardy, Envoy Extraordinary and Minister Plenipotentiary of the Swiss Confederation to the President of the French Republic;

His Majesty the Emperor of the Ottomans,

Missak Effendi, Minister Plenipotentiary;

His Highness the Khedive of Egypt,

Youssouf Pacha Saddik, Representative of the Khedival Government before the Sublime Porte;

And the President of the Oriental Republic of Uruguay,

Dr. Louis Piera, His Envoy Extraordinary and Minister Plenipotentiary to the President of the French Republic,

Who, having exchanged their full powers, found in good and due form, have agreed to the following provisions:

Title I. General Provisions.

Chapter I. *Rules to be observed by the countries signing the Convention as soon as plague, cholera, or yellow fever appears in their territory.*

Section I. Notification and subsequent communications to the other countries.

Art. 1. Each Government shall immediately notify the other Governments of the first authentic case of plague, cholera, or yellow fever discovered in its territory.

Likewise, the first authentic case of cholera, plague, or yellow fever occurring outside the districts already stricken shall constitute the object of an immediate notification to the other Governments.

ART. 2. Every notification as provided for in article 1 shall be accompanied or very promptly followed by particulars regarding:

1. The neighborhood in which the disease has appeared;
2. The date of its appearance, its origin, and its form;
3. The number of established cases and the number of deaths;
4. The extent of the area or areas affected;
5. In the case of plague, the existence of plague or of an unusual mortality among rats;
6. In the case of yellow fever, the existence of *Stegomya calopus;*
7. The measures immediately taken.

ART. 3. The notification and the information contemplated in articles 1 and 2 are to be addressed to the diplomatic or consular agencies in the capital of the contaminated country.

In the case of countries not represented there, they shall be transmitted directly by telegraph to the Governments of these countries.

ART. 4. The notification and the information contemplated in articles 1 and 2 shall be followed by subsequent communications sent regularly, so as to keep the Governments informed as to the progress of the epidemic.

These communications, which shall be sent at least once a week, and which shall be as complete as possible, shall state more particularly the precautions taken with a view to preventing the spread of the disease.

They shall specify: 1) The prophylactic measures applied in regard to sanitary or medical inspection, isolation, and disinfection; 2) the measures enforced upon the departure of ships in order to prevent the exportation of the disease and especially, in the cases contemplated under Nos. 5 and 6 of article 2 above, the measures taken respectively against rats and mosquitos.

ART. 5. The prompt and faithful execution of the foregoing provisions is of prime importance.

The notifications are of no real value unless each Government is itself opportunely informed of cases of plague, cholera, and yellow fever and of doubtful cases occurring in its territory. It can not therefore be too strongly recommended to the various Governments that they make compulsory the announcement of cases of plague, cholera, and yellow fever and that they keep themselves informed of any unusual mortality among rats, especially in ports.

ART. 6. It is desirable that neighboring countries make special arrangements with a view to organizing a direct information service among the competent heads of departments in matters concerning contiguous territories or those which have close commercial relations.

SECTION II. CONDITIONS WHICH WARRANT CONSIDERING A TERRITORIAL AREA AS BEING CONTAMINATED OR AS HAVING BECOME HEALTHY AGAIN.

ART. 7. The notification of a single case of plague, cholera, or yellow fever shall not involve the application, against the territorial area in which it has occurred, of the measures prescribed in Chapter II hereinbelow.

However, when several unimported cases of plague or yellow fever have appeared or when the cholera cases become localized,[a] the area may be considered contaminated.

ART. 8. In order to confine the measures to the stricken regions only, the Governments shall apply them only to arrivals from the contaminated areas.

By the word *area* is meant a portion of territory definitely specified in the particulars which accompany or follow the notification; for instance, a province, a government, a district, a department, a canton, an island, a commune, a city, a quarter of a city, a village, a port, a polder, a hamlet, etc., whatever be the area and population of these portions of territory.

However, this restriction to the contaminated area shall only be accepted upon the formal condition that the Government of the contaminated country take the necessary measures: 1) To combat the spread of the epidemic and 2), if it is a question of cholera, to prevent, unless previously disinfected, the exportation of the things mentioned under Nos. 1 and 2 of article 13 and coming from the contaminated area.

When an area is contaminated, no restrictive measures shall be taken against arrivals from such area if such arrivals have left it at least five days before the beginning of the epidemic.

ART. 9. In order that an area may be considered as being no longer contaminated it must be officially stated:

1. That there has neither been a death nor a new case, as regards the plague or cholera for five days, and as regards the yellow fever for eighteen days, either since the isolation or since the death or cure of the last patient;

2. That all measures for disinfection have been applied; besides, if it is a case of plague, that the measures against rats have been executed, and, in case of yellow fever, that the precautions against mosquitos have been taken.

SECTION III. MEASURES IN CONTAMINATED PORTS UPON THE DEPARTURE OF VESSELS.

ART. 10. The competent authority shall be obliged to take effective measures:

1. To prevent the embarcation of persons showing symptoms of plague, cholera, or yellow fever;

2. In case of plague or cholera, to prevent the exportation of merchandise or any articles which he may consider contaminated and which have not been previously disinfected on land, under the supervision of the physician delegated by the public authority;

3. In case of plague, to prevent the embarcation of rats;

4. In case of cholera, to see that the drinking water taken on board is wholesome;

5. In case of yellow fever, to prevent mosquitos from coming on board.

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[a] There is localization when the appearance of cases of cholera beyond the immediate environments of the first case or cases proves that the spread of the disease has not been checked where it appeared first.

Chapter II. *Measures of Defense against Contaminated Territories.*

SECTION I. PUBLICATION OF THE PRESCRIBED MEASURES.

Art. 11. The Government of each country shall be obliged to immediately publish the measures which it believes necessary to prescribe with regard to arrivals from a contaminated country or territorial area.

It shall at once communicate this publication to the diplomatic or consular officer of the contaminated country residing in its capital, as well as to the international boards of health.

It shall likewise be obliged to make known, through the same channels, the revocation of these measures or any modifications which may be made therein.

In default of a diplomatic or consular office in the capital, the communications shall be made directly to the Government of the country concerned.

SECTION II. MERCHANDISE.—DISINFECTION.—IMPORTATION AND TRANSIT.—BAGGAGE.

Art. 12. No merchandise is capable by itself of transmitting plague, cholera, or yellow fever. It only becomes dangerous when contaminated by plague or cholera products.

Art. 13. Disinfection shall be applied only in case of plague or cholera and only to merchandise and articles which the local health authority considers contaminated.

However, in case of plague or cholera, the merchandise and articles enumerated below may be subjected to disinfection or even prohibited entry, independently of any proof that they are or are not contaminated:

1. Body linen, clothing worn (wearing apparel), and bedding which has been used.

When these articles are being transported as baggage or as a result of a change of residence (household goods), they shall not be prohibited and are subject to the provisions of article 20.

Packages left by soldiers and sailors and returned to their country after death are treated the same as the articles comprised in the first paragraph of No. 1.

2. Rags (including those for making paper), with the exception, as to cholera, of compressed rags transported as wholesale merchandise in hooped bales.

Fresh waste coming directly from spinning mills, weaving mills, manufactories, or bleacheries; artificial wools (shoddy), and fresh paper trimmings shall not be forbidden.

Art. 14. The transit of the merchandise and articles specified under Nos. 1 and 2 of the preceding articles shall not be prohibited if they are so packed that they can not be manipulated en route.

Likewise, when the merchandise or articles are transported in such a manner that it is impossible for them to have been in contact with contaminated articles en route, their transit across an infected territorial area shall not constitute an obstacle to their entry into the country of destination.

ARTICLE 15. The merchandise and articles specified under Nos. 1 and 2 of article 13 shall not be subject to the application of the measures prohibiting entry if it is proven to the authorities of the country that they were shipped at least five days before the beginning of the epidemic.

ARTICLE 16. The mode and place of disinfection, as well as the methods to be employed for the destruction of rats, insects, and mosquitos, shall be determined by the authorities of the country of destination. These operations should be performed in such a manner as to cause the least possible injury to the articles. Clothing, old rags, infected materials for dressing wounds, papers, and other articles of little value may be destroyed by fire.

It shall devolve upon each Nation to determine the question as to the possible payment of damages as a result of the disinfection and destruction of the articles mentioned above and of the destruction of rats, insects, and mosquitos.

If, on the occasion of the taking of measures for the destruction of rats, insects, and mosquitos on board vessels, the health authorities should levy a tax either directly or through a society or private individual, the rate of such tax must be fixed by a tariff published in advance and so calculated that no profit shall be derived by the Nation or the Health Department from its application as a whole.

ART. 17. Letters, and correspondence, printed matter, books, newspapers, business papers, etc. (postal parcels not included) shall not be subjected to any restriction or disinfection.

In case of yellow fever, postal parcels shall not be subjected to any restriction or disinfection.

ART. 18. Merchandise, arriving by land or sea, shall not be detained at frontiers or in ports.

The only measures which it is permissible to prescribe in regard to them are specified in articles 13 and 16 above.

However, if merchandise arriving by sea in bulk or in defective bails has been contaminated during the passage by rats known to be stricken with plague, and if it can not be disinfected, the destruction of the germs may be insured by storing it in a warehouse for a maximum period of two weeks.

It is understood that the application of this last measure shall not entail any delay upon the vessel or any extra expense as a result of the lack of warehouses in the ports.

ART. 19. When merchandise has been disinfected by applying the provisions of article 13, or temporarily warehoused in accordance with the third paragraph of article 18, the owner or his representative shall be entitled to demand from the health authority who has ordered the disinfection or storage, a certificate setting forth the measures taken.

ART. 20. Soiled linen, clothing, and articles constituting part of baggage or furniture (household goods) coming from a contaminated territorial area shall only be disinfected in case of plague or cholera and only when the health authority considers them contaminated.

SECTION III. MEASURES IN PORTS AND AT MARITIME FRONTIERS.

A. CLASSIFICATION OF VESSELS.

ART. 21. A vessel is considered as *infected* which has plague, cholera, or yellow fever on board, or which has presented one or more cases of plague, cholera, or yellow fever within seven days.

A vessel is considered as *suspicious* on board of which there were cases of plague, cholera, or yellow fever at the time of departure or have been during the voyage, but on which there have been no new cases within seven days.

A vessel is considered as *uninfected* which, although coming from an infected port, has had neither death nor any case of plague, cholera, or yellow fever on board either before departure, during the voyage, or at the time of arrival.

B. MEASURES CONCERNING PLAGUE.

ART. 22. Ships *infected with plague* shall be subjected to the following measures:

1. Medical inspection.

2. The patients shall be immediately landed and isolated.

3. All persons who have been in contact with the patients and those whom the health authority of the port has reason to consider suspicious shall be landed if possible. They may be subjected either to observation,[a] or to surveillance,[b] or to observation followed by surveillance, and the total duration of these measures shall not exceed five days from the date of arrival.

It is within the discretion of the health authority of the port to apply whichever of these measures appears preferable to him according to the date of the last case, the condition of the vessel, and the local possibilities.

4. The soiled linen, wearing apparel, and other articles of the crew[c] and passengers which are considered by the health authority as being contaminated shall be disinfected.

5. The parts of the vessel which have been occupied by persons stricken with plague or which are considered by the health authority as being contaminated shall be disinfected.

6. The destruction of the rats on the vessel shall take place before or after the discharge of the cargo, avoiding injury to the cargo, the platings, and the engines as far as possible. The operation shall be performed as soon and as quickly as possible, and shall not in any event last over forty-eight hours.

In the case of vessels in ballast, this operation shall be performed as soon as possible before taking on cargo.

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[a] By "observation" is meant the isolation of the passengers, either on board a vessel or at a sanitary station, before they are granted pratique.

[b] By "surveillance" is meant that the passengers are not isolated and that they immediately obtain pratique, but that the attention of the authorities is called to them wherever they go and that they are subjected to a medical examination to ascertain the state of their health.

[c] The term "crew" is applied to all persons who form or have formed part of the crew or of the servants on board the vessel, including stewards, waiters, "cafedji," etc. The term is to be construed in this sense wherever employed in the present Convention.

ART. 23. Vessels suspected of plague shall be subjected to the measures indicated under Nos. 1, 4, 5, and 6 of article 22.

Moreover, the crew and passengers may be subjected to a surveillance not to exceed five days from the arrival of the vessel. The landing of the crew may be forbidden during the same period except in connection with the service.

ART. 24. Vessels *uninfected with plague* shall be granted pratique immediately, whatever be the nature of their bill of health.

The only measures which the authority of the port of arrival may prescribe with regard to them shall be the following:

1. Medical inspection.

2. Disinfection of the soiled linen, wearing apparel, and other articles of the crew and passengers, but only in exceptional cases when the health authority has special reason to believe that they are contaminated.

3. Although the measure should not be laid down as a general rule, the health authority may subject vessels coming from a contaminated port to an operation designed to destroy the rats on board, either before or after the discharge of the cargo. This operation should take place as soon and as quickly as possible and should not in any event last more than twenty-four hours, avoiding hindrance to the movement of the passengers and crew between the vessel and the shore and, as far as possible, injury to the cargo, plating, and engines.

The crew and passengers may be subjected to a surveillance not to exceed five days from the date on which the vessel left the contaminated port. The landing of the crew may also be forbidden during the same time except in connection with the service.

The competent authority of the port of arrival may always demand an affidavit from the ship's physician, or in default of such physician, from the captain, to the effect that there has not been a case of plague on the vessel since its departure and that no unusual mortality among the rats has been observed.

ART. 25. When rats have been recognized as plague-stricken on board an *uninfected* vessel as a result of a bacteriological examination, or when an unusual mortality has been discovered among these rodents, the following measures shall be applied:

I. Vessels with plague-stricken rats:

a) Medical inspection.

b) The rats shall be destroyed either before or after the discharge of the cargo, avoiding injury, as far as possible, to the cargo, plating, and engines. On vessels in ballast this operation shall be performed as soon and as quickly as possible and at all events before taking on cargo.

c) The parts of the vessel and the articles which the health authority considers to be contaminated shall be disinfected.

d) The passengers and crew may be subjected to a surveillance whose duration shall not exceed five days from the date of arrival.

II. Vessels on which an unusual mortality among rats is discovered:

a) Medical inspection.

b) An examination of the rats with regard to the plague shall be made as far and as quickly as possible.

c) If the destruction of the rats is deemed necessary, it shall take place under the conditions indicated above for vessels with plague-stricken rats.

d) Until all suspicion is removed, the passengers and crew may be subjected to a surveillance whose duration shall not exceed five days from the date of arrival.

ART. 26. It is recommended that vessels be periodically rid of their rats, the operation to take place at least once every six months. The health officer of the port in which the rat ridding operation is performed shall deliver to the captain, owner, or agent, whenever request is made therefor, a certificate showing the date of the operation, the port where it was performed, and the method employed.

It is recommended that the health authorities of ports at which vessels stop which practice periodical rat ridding keep account of the aforementioned certificates in determining the measures to be taken, especially as regards the provisions of No. 3 of the 2d paragraph of article 24.

C. MEASURES CONCERNING CHOLERA.

ART. 27. Vessels *infected with cholera* shall be subjected to the following measures:

1. Medical inspection.

2. The patients shall be immediately landed and isolated.

3. The other persons shall likewise be landed and subjected, from the date of arrival of the vessel, to an observation or a surveillance whose duration shall vary according to the sanitary condition of the vessel and the date of the last case, without, however, exceeding five days; provided this period is not exceeded, the medical authority may proceed to make a bacteriological examination as far as necessary.

4. The soiled linen, wearing apparel, and other articles of the crew and passengers which are considered by the health authority of the port as being contaminated shall be disinfected.

5. The parts of the vessel which have been occupied by cholera patients or which are considered by the health authority as being contaminated shall be disinfected.

6. When the drinking water stored on board is considered suspicious, it shall be turned off, after being disinfected, and replaced if necessary by water of good quality.

The health authority may prohibit turning water ballast off in ports if it has been taken on in a contaminated port, unless it has been previously disinfected.

It may be forbidden to let run or throw human dejections or the residuary waters of the vessel into the waters of the port, unless they are first disinfected.

ART. 28. Vessels *suspected of cholera* shall be subjected to the measures prescribed under Nos. 1, 4, 5, and 6 of article 27.

The crew and passengers may be subjected to a surveillance not to exceed five days from the arrival of the vessel. It is recommended that the landing of the crew be prevented during the same period except for purposes connected with the service.

ART. 29. Vessels *uninfected with cholera* shall be granted pratique immediately, whatever be the nature of their bill of health.

The only measures to which they may be subjected by the health authority of the port of arrival shall be those provided under Nos. 1, 4, and 6 of article 27.

The health authority may forbid letting water ballast off in ports if it has been taken on in a contaminated port, unless it has been previously disinfected.

With regard to the state of their health, the crew and passengers may be subjected to a surveillance not to exceed five days from the date on which the vessel left the contaminated port.

It is recommended that the landing of the crew be forbidden during the same period except for purposes connected with the service.

The competent authority of the port of arrival may always demand an affidavit from the ship's physician or, in the absence of such, from the captain, to the effect that there has not been a case of cholera on board since the vessel sailed.

D. MEASURES CONCERNING THE YELLOW FEVER.

ART. 30. Vessels *infected with yellow fever* shall be subjected to the following measures:

1. Medical inspection.

2. The patients shall be landed under such conditions that they will be protected from mosquito bites, and duly isolated.

3. The other persons may likewise be landed and subjected, from the date of arrival, to an observation or surveillance not exceeding six days.

4. Vessels shall anchor, as far as possible, at a distance of 200 meters from the shore.

5. If possible, the mosquitos on board shall be exterminated before the cargo is discharged. If this is impossible, all necessary measures shall be taken in order that the persons employed in discharging the cargo may not be infected. These persons shall be subjected to a surveillance not to exceed six days from the time they cease to work on board.

ART. 31. Vessels *suspected of yellow fever* shall be subjected to the measures indicated under Nos. 1, 4, and 5 of the preceding article.

Moreover, the crew and passengers may be subjected to a surveillance not to exceed six days from the date of arrival of the vessel.

ART. 32. Vessels *uninfected with yellow fever* shall be granted pratique immediately after medical inspection, whatever be the nature of their bill of health.

ART. 33. The measures contemplated in articles 30 and 31 do not concern the countries in which *stegomya* exist. In other countries they shall be applied to the extent deemed necessary by the medical authorities.

E. PROVISIONS COMMON TO ALL THREE DISEASES.

ART. 34. In applying the measures set forth in articles 22 to 33, the competent authority shall take into account the presence of a physician and of disinfecting apparatuses (chambers) on board the vessels of the three categories mentioned above.

In regard to plague, he shall likewise take into account the installation on board of apparatus for the destruction of rats.

The health authorities of nations which may deem it suitable to reach an understanding on this point may excuse from the medical inspection and other measures those uninfected vessels which have on board a physician specially commissioned by their country.

ART. 35. Special measures, especially (as regards cholera) a bacteriological examination, may be prescribed in regard to any vessel in a bad hygienic condition or crowded.

ART. 36. Any vessel not desiring to submit to the obligations imposed by the port authority in pursuance of the stipulations of the present convention shall be free to put to sea again.

It may be permitted to land its cargo after the necessary precautions have been taken, viz:

1. Isolation of the vessel, crew, and passengers.

2. In regard to plague, inquiry as to the existence of an unusual mortality among the rats.

3. In regard to cholera, the substitution of good water in place of the drinking water stored on board, when the latter is considered suspicious.

It may also be permitted to land passengers who so request, upon condition that they submit to the measures prescribed by the local authority.

ART. 37. Vessels hailing from a contaminated port and which have been subjected to sanitary measures applied in an efficient manner in a port belonging to one of the contracting countries, shall not undergo the same measures a second time upon their arrival in a new port, whether or not the latter belong to the same country, provided no incident has occurred which would involve the application of the sanitary measures contemplated hereinbefore, and provided they have not touched at a contaminated port.

A vessel shall not be considered as having stopped at a port when, without having been in communication with the shore, it lands only passengers and their baggage and the mail, or takes on only the mail, or passengers with or without baggage who have not communicated with the port or with a contaminated area. In case of yellow fever, the vessel must besides have kept away from shore as much as possible, and at a distance of 200 meters, in order to prevent the invasion of mosquitos.

ART. 38. A port authority who applies sanitary measures shall deliver to the captain, owner, or agent, whenever requested, a certificate specifying the nature of the measures and the reasons for which they have been applied.

ART. 39. Passengers arriving on an infected vessel shall have a right to demand a certificate of the health authority of the port showing the date of their arrival and the measures to which they and their baggage have been subjected.

ART. 40. Coasting vessels shall be subjected to special measures to be established by mutual agreement among the countries concerned.

ART. 41. The Governments of Riparian Nations on the same sea may conclude special agreements among themselves, taking into account their special situations and in order to render more effective and less annoying the application of the sanitary measures provided by the Convention.

ART. 42. It is desirable that the number of ports provided with a sufficient organization and equipment to receive a vessel, whatever be

her sanitary condition, should, in the case of each Nation, be in proportion to the importance of traffic and navigation. However, and without prejudice to the rights of the Governments to agree on organizing common sanitary stations, each country should provide at least one of the ports on the coast line of each of its seas with such an organization and equipment.

Moreover, it is recommended that all great ports of maritime navigation be equipped in such a way that at least uninfected vessels may undergo the prescribed sanitary measures therein as soon as they arrive and not be sent to another port for this purpose.

The Governments shall make known the ports which are open in their country to arrivals from ports contaminated with plague, cholera, and yellow fever, and particularly those which are open to infected or suspicious vessels.

ART. 43. It is recommended that there be established in large maritime ports:

a) A regular medical service of the port and a permanent medical surveillance of the sanitary conditions of the crews and the inhabitants of the port.

b) Means for the transportation of patients and places set apart for their isolation and for the observation of suspected persons.

c) The necessary plants for efficient disinfection, and bacteriological laboratories.

d) A supply of drinking water beyond suspicion for the use of the port, and a system affording all possible security for carrying off refuge and sewage.

ART. 44. It is also recommended that the Contracting Nations take into account, in the treatment to be accorded the arrivals from a country, the measures taken by the latter for combating infectious diseases and for preventing their exportation.

SECTION IV. MEASURES ON LAND FRONTIERS—TRAVELERS—RAILROADS—FRONTIER ZONES—RIVER ROUTES.

ART. 45. No land quarantines shall be established.

Only persons showing symptoms of plague, cholera, or yellow fever shall be detained at frontiers.

This rule shall not bar the right of each Nation to close a part of its frontiers in case of necessity.

ART. 46. It is important that travellers be subjected to surveillance on the part of railroad employees with a view to determining the state of their health.

ART. 47. Medical interference shall be limited to an examination of the passengers and the care to be given to the sick. If such an examination is made, it should be combined as far as possible with the custom house inspection to the end that travelers may be detained as short a time as possible. Only persons who are obviously ill shall be subjected to a thorough medical examination.

ART. 48. As soon as travelers coming from an infected locality shall have arrived at their destination, it would be of the greatest utility to subject them to a surveillance which ought not to exceed, counting from the date of departure, five days in case of plague or cholera and six days in case of yellow fever.

ART. 49. The Governments reserve the right to take special measures in regard to certain categories of persons, notably gypsies, vagabonds, emigrants, and persons traveling or crossing the frontier in troops.

ART. 50. Cars used for the conveyance of passengers, mail, and baggage shall not be detained at frontiers.

If it should happen that one of these cars is contaminated or has been occupied by a plague or cholera patient, it shall be detached from the train and disinfected as soon as possible.

The same rule shall apply to freight cars.

ART. 51. The measures concerning the crossing of frontiers by railroad and postal employees shall be determined by the companies or departments concerned and shall be so arranged as not to hinder the service.

ART. 52. The regulation of frontier traffic and questions pertaining thereto, as well as the adoption of exceptional measures of surveillance, shall be left to special arrangements between the contiguous nations.

ART. 53. It shall be the province of the Governments of the riparian Nations to regulate the sanitary conditions of river routes by means of special arrangements.

TITLE II. SPECIAL PROVISIONS APPLICABLE TO ORIENTAL AND FAR EASTERN COUNTRIES.

SECTION I. MEASURES IN PORTS CONTAMINATED UPON THE DEPARTURE OF VESSELS.

ART. 54. Every person, including the members of the crew, who takes passage on board a vessel shall, at the time of embarcation, be examined individually in the daytime on shore, for the necessary length of time, by a physician delegated by the public authority. The consular authority of the nation to which the vessel belongs may be present at this examination.

As an exception to this stipulation, the medical examination may take place on shipboard at Alexandria and Port Said, when the local health authority deems it expedient, provided that the third-class passengers shall not be permitted to leave the vessel. This medical examination may be made at night in the case of first and second class passengers but not of third-class passengers.

SECTION II. MEASURES WITH RESPECT TO ORDINARY VESSELS HAILING FROM CONTAMINATED NORTHERN PORTS AND APPEARING AT THE ENTRANCE OF THE SUEZ CANAL OR IN EGYPTIAN PORTS.

ART. 55. Ordinary *uninfected* vessels hailing from a plague or cholera infected port of Europe or the basin of the Mediterranean and presenting themselves for passage through the Suez Canal shall be allowed to pass through in quarantine. They shall continue their route under observation of five days.

ART. 56. Ordinary uninfected vessels wishing to make a landing in Egypt may stop at Alexandria or Port Said, where the passengers shall complete the observation period of five days either on shipboard or in a sanitary station, according to the decision of the local health authority.

ART. 57. The measures to which *infected* or *suspected* vessels shall be subjected which hail from a plague or cholera infected port of Europe or the shores of the Mediterranean, and which desire to effect a landing in one of the Egyptian ports or to pass through the Suez Canal, shall be determined by the Board of Health of Egypt in conformity with the stipulations of the present Convention.

The regulations containing these measures shall, in order to become effective, be accepted by the various Powers represented on the Board; they shall determine the measures to which vessels, passengers, and merchandise are to be subjected and shall be presented within the shortest possible period.

SECTION III. MEASURES IN THE RED SEA.

A. MEASURES WITH RESPECT TO ORDINARY VESSELS HAILING FROM THE SOUTH AND APPEARING IN PORTS OF THE RED SEA OR BOUND TOWARD THE MEDITERRANEAN.

ART. 58. Independently of the general provisions contained in Section III, Chapter 2, Title I, concerning the classification of and the measures applicable to infected, suspected, or uninfected vessels, the special provisions contained in the ensuing articles are applicable to ordinary vessels coming from the south and entering the Red Sea.

ART. 59. *Uninfected* vessels must have completed or shall be required to complete an observation period of five full days from the time of their departure from the last infected port.

They shall be allowed to pass through the Suez Canal in quarantine and shall enter the Mediterannean continuing the aforesaid observation period of five days. Ships having a physician and a disinfecting chamber on board shall not undergo disinfection until the passage through in quarantine begins.

ART. 60. Suspected vessels shall be treated differently according to whether they have a physician and a disinfecting apparatus (chamber) on board or not.

a) Vessels having a physician and a disinfecting apparatus (chamber) on board and fulfilling the necessary conditions shall be permitted to pass through the Suez Canal in quarantine under conditions prescribed by the regulations for the passage through.

b) Other suspected vessels having neither physician nor disinfecting apparatus (chamber) on board shall, before being permitted to pass through in quarantine, be detained at Suez or Moses Spring a sufficient length of time to carry out the disinfecting measures prescribed and to ascertain the sanitary condition of the vessel.

In the case of mail vessels or of packets specially utilized for the transportation of passengers and having no disinfecting apparatus (chamber) but having a physician on board, if the last case of plague or cholera dates back longer than seven days and if the sanitary condition of the vessel is satisfactory, pratique may be granted at Suez when the operations prescribed by the regulations are completed.

When a vessel has had a run of less than seven days without infection, the passengers bound for Egypt shall be landed at an establishment designated by the Board of Health of Alexandria and isolated a sufficient length of time to complete the observation period of five days. Their soiled linen and wearing apparel shall be disinfected. They shall then receive pratique.

Vessels having had a run of less than seven days without infection and desiring to obtain pratique in Egypt shall be detained in an establishment designated by the Board of Health of Alexandria for a sufficient length of time to complete the observation period of five days. They shall undergo the measures prescribed for infected vessels.

When the plague or cholera has appeared exclusively among the crew, only the soiled linen of the latter shall be disinfected, but it shall all be disinfected, including that in the living quarters of the crew.

ART. 61. Infected vessels are divided into vessels with a physician and a disinfecting apparatus (chamber) on board, and vessels without a physician and a disinfecting apparatus (chamber).

(a) Vessels without a physician and a disinfecting apparatus (chamber) shall be stopped at Moses Spring;[a] persons showing symptoms of plague or cholera shall be landed and isolated in a hospital. The disinfection shall be carried out in a thorough manner. The other passengers shall be landed and isolated in groups composed of as few persons as possible, so that the whole number may not be infected by a particular group if the plague or cholera should develop. The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the vessel, shall be disinfected.

It is to be distinctly understood that there shall be no discharge of cargo but simply a disinfection of the part of the vessel which has been infected.

The passengers shall remain for five days in an establishment designated by the Sanitary, Maritime, and Quarantine Board of Egypt. When the cases of plague or cholera date back several days, the length of the isolation shall be diminished. This length shall vary according to the date of the cure, death, or isolation of the last patient. Thus, when the last case of plague or cholera has terminated six days before by a cure or death, or when the last patient has been isolated for six days, the observation shall last one day; if only five days have elapsed, the observation period shall be two days; if only four days have elapsed, the observation period shall be three days; if only three days have elapsed, the observation period shall be four days; and if only two days or one day has elapsed, the observation period shall be five days.

b) Vessels with a physician and a disinfecting apparatus (chamber) on board shall be stopped at Moses Spring. The ship's physician must declare, under oath, what persons on board show symptoms of plague or cholera. These patients shall be landed and isolated.

After the landing of these patients, the soiled linen of the rest of the passengers which the health authority may consider dangerous, as well as that of the crew, shall undergo disinfection on board.

When plague or cholera shall have appeared exclusively among the crew, the disinfection of the linen shall be limited to the soiled linen of the crew and the linen of the living apartments of the crew.

The ship's physician shall indicate also, under oath, the part or compartment of the vessel and the section of the hospital in which the patient or patients have been transported. He shall also declare,

[a] The patients shall as far as possible be landed at Moses Spring. The other persons may undergo the observation in a sanitary station designated by the Sanitary, Maritime, and Quarantine Board of Egypt (pilots' lazaretto).

under oath, what persons have been in contact with the plague or cholera patient since the first manifestation of the disease, either directly or through contact with objects which might be contaminated. Such persons alone shall be considered as suspects.

The part or compartment of the vessel and the section of the hospital in which the patient or patients have been transported shall be thoroughly disinfected. By "part of the ship" shall be meant the cabin of the patient, the neighboring cabins, the corridor on which these cabins are located, the deck, and the parts of the deck where the patients have been.

If it is impossible to disinfect the part or compartment of the vessel which has been occupied by the persons stricken with plague or cholera without landing the persons declared suspects, these persons shall be either placed in another vessel specially designated for this purpose or landed and lodged in the sanitary establishment without coming in contact with the patients, who shall be placed in the hospital.

The duration of this stay on the vessel or on shore shall be as short as possible and shall not exceed twenty-four hours.

The suspects shall undergo, either on their vessel or on the vessel designated for this purpose, an observation period whose duration shall vary according to the cases and under the conditions provided in the third paragraph of subdivision a).

The time taken up by the prescribed operations shall be comprised in the duration of the observation period.

The passage through in quarantine may be allowed before the expiration of the periods indicated above if the health authority deems it possible. It shall at all events be granted when the disinfection has been completed, if the vessel leaves behind not only its patients but also the persons indicated above as "suspects."

A disinfecting chamber placed on a lighter may come alongside the vessel in order to expedite the disinfecting operations.

Infected vessels requesting pratique in Egypt shall be detained at Moses Spring five days; they shall, moreover, undergo the same measures as those adopted for infected vessels arriving in Europe.

B. MEASURES WITH RESPECT TO ORDINARY VESSELS HAILING FROM THE INFECTED PORTS OF HEDJAZ DURING THE PILGRIMAGE SEASON.

ART. 62. If plague or cholera prevails in Hedjaz during the time of the Mecca pilgrimage, vessels coming from the Hedjaz or from any other part of the Arabian coast of the Red Sea without having embarked there any pilgrims or similar masses of persons, and which have not had any suspicious occurrence on board during the voyage, shall be placed in the category of ordinary suspected vessels. They shall be subjected to the preventive measures and to the treatment imposed on such vessels.

If they are bound for Egypt they shall undergo, in a sanitary establishment designated by the Sanitary, Maritime, and Quarantine Board, an observation of five days from the date of departure for cholera as well as for plague. They shall be subjected, moreover, to all the measures prescribed for suspected vessels (disinfection, etc.), and shall not be granted pratique until they have passed a favorable medical examination.

It shall be understood that if the vessels have had suspicious occurrences during the voyage they shall pass the observation period at Moses Spring, which shall last five days whether it be a question of plague or cholera.

SECTION IV. ORGANIZATION OF SURVEILLANCE AND DISINFECTION AT SUEZ AND MOSES SPRING.

ART. 63. The medical inspection prescribed by the regulations shall be made on each vessel arriving at Suez by one or more of the physicians of the station, being made in the daytime on vessels hailing from ports infected with plague or cholera. It may, however, be made at night on vessels which come to pass through the canal, provided they are lit by electricity and whenever the local health authority is satisfied that the lighting facilities are adequate.

ART. 64. The physicians of the Suez station shall be at least seven in number—one chief physician and six others. They must possess a regular diploma and shall be chosen preferably from among physicians who have made special practical studies in epidemiology and bacteriology. They shall be appointed by the Minister of the Interior upon the recommendation of the Sanitary, Maritime, and Quarantine Board of Egypt. They shall receive a salary to begin at 8,000 francs and which may progressively rise to 12,000 francs for the six physicians, and vary from 12,000 to 15,000 francs for the chief physician.

If the medical service should still prove inadequate, recourse may be had to the surgeons of the navies of the several nations, who shall be placed under the authority of the chief physician of the sanitary station.

ART. 65. A corps of sanitary guards shall be intrusted with the surveillance and execution of the prophylactic measures applied in the Suez Canal, at the establishment at Moses Spring, and at Tor.

ART. 66. This corps shall comprise ten guards.

It shall be recruited from among former noncommissioned officers of the European and Egyptian armies and navies.

After their competence has been ascertained by the Board, the guards shall be appointed in the manner provided by article 14 of the Khedival decree of June 19, 1893.

ART. 67. The guards shall be divided into two classes, the first comprising four and the second six guards.

ART. 68. The annual compensation allowed the guards shall be:

For the first class, from £160 Eg. to £200 Eg.;

For the second class, from £120 Eg. to £168 Eg.;

With a progressive increase until the maximum is reached.

ART. 69. The guards shall be invested with the character of officers of the public peace, with the right to call for assistance in case of infractions of the sanitary regulations.

They shall be placed under the immediate orders of the Director of the Suez or the Tor Bureau.

SECTION V. PASSAGE THROUGH THE SUEZ CANAL IN QUARANTINE.

ART. 70. The health authority of Suez shall grant the passage through in quarantine, and the Board shall be immediately informed thereof.

Doubtful cases shall be decided by the Board.

ART. 71. As soon as the permit provided for in the preceding article is granted, a telegram shall be sent to the authority designated by each Power, the dispatch of the telegram being at the expense of the vessel.

ART. 72. Each Power shall establish penalties against vessels which abandon the route indicated by the captain and unduly approach one of the ports within its territory, cases of *vis major* and enforced sojourn being excepted.

ART. 73. Upon a vessel's being spoken, the captain shall be obliged to declare whether he has on board any gangs of native stokers or of wage-earning employees of any description who are not inscribed on the crew list or the register kept for this purpose.

The following questions in particular shall be asked the captains of all vessels arriving at Suez from the south, and shall be answered under oath:

"Have you any helpers (stokers or other workmen) not inscribed on your crew list or on the special register? What is their nationality? Where did you embark them?"

The sanitary physicians should ascertain the presence of these helpers and if they discover that any of them are missing they should carefully seek the cause of their absence.

ART. 74. A health officer and two sanitary guards shall board the vessel and accompany her to Port Said. Their duty shall be to prevent communications and see to the execution of the prescribed measures during the passage through the canal.

ART. 75. All embarkations, landings, and transshipments of passengers or cargo are forbidden during the passage through the Suez Canal to Port Said.

However, passengers may embark at Port Said in quarantine.

ART. 76. Vessels passing through in quarantine shall make the trip from Suez to Port Said without putting into dock.

In case of stranding or of being compelled to put into dock, the necessary operations shall be performed by the personnel on board, all communications with the employees of the Suez Canal Company being avoided.

ART. 77. When troops are conveyed through the canal on suspicious or infected vessels passing through in quarantine, the trip shall be made in the daytime only. If it is necessary to stop at night in the canal, the vessels shall anchor in Lake Timsah or the Great Lake.

ART. 78. Vessels passing through in quarantine are forbidden to stop in the harbor of Port Said except in the cases contemplated in articles 75 (paragraph 2) and 75.

The supply and preparation of food on board vessels shall be effected with the means at hand on the vessels.

Stevedores or any other persons who may have gone on board shall be isolated on the quarantine lighter. Their clothing shall there undergo disinfection as per regulations.

ART. 79. When it is absolutely necessary for vessels passing through in quarantine to take on coal at Port Said, they shall perform this operation in a locality affording the necessary facilities for isolation and sanitary surveillance, to be selected by the Board of Health. When it is possible to maintain a strict supervision on board the ves-

sel and to prevent all contact with the persons on board, the coaling of the vessel by the workmen of the port may be permitted. At night the place where the coaling is done should be illuminated by electric lights.

ART. 80. The pilots, electricians, agents of the Company, and sanitary guards shall be put off at Port Said outside of the port between the jetties and thence conducted directly to the quarantine lighter, where their clothing shall undergo disinfection when deemed necessary.

ART. 81. The war vessels hereinafter specified shall enjoy the benefits of the following provisions when passing through the Suez Canal:

They shall be recognized by the quarantine authority as uninfected upon the production of a certificate issued by the physicians on board, countersigned by the commanding officer, and affirming under oath;

a) That there has not been any case of plague or cholera on board either at the time of departure or during the passage.

b) That a careful examination of all persons on board, without any exception, has been made less than twelve hours before the arrival in the Egyptian port, and that it revealed no case of these diseases.

These vessels shall be exempted from the medical examination and immediately receive pratique, provided a period of five full days has elapsed since their departure from the last infected port.

In case the required period has not elapsed, the vessels may pass through the canal in quarantine without undergoing the medical examination, provided they present the above-mentioned certificate to the quarantine authorities.

The quarantine authorities shall nevertheless have a right to cause their agents to perform the medical examination on board war vessels whenever they deem it necessary.

Suspicious or infected war vessels shall be subjected to the regulations in force.

Only fighting units shall be considered as war vessels, transports and hospital ships falling under the category of ordinary vessels.

ART. 82. The Sanitary, Maritime, and Quarantine Board of Egypt is authorized to organize the transit through Egyptian territory by rail of the mails and ordinary passengers coming from infected countries in quarantine trains, under the conditions set forth in Annex I.

SECTION VI. SANITARY MEASURES APPLICABLE TO THE PERSIAN GULF.

ART. 83. The sanitary regulation established by the articles of the present Convention shall be applied, as regards vessels entering the Persian Gulf, by the health authorities of the ports of arrival.

This regulation shall be subject to the following three reservations with respect to the classification of the vessels and to the measures to be applied to them in the Persian Gulf:

1. The surveillance of the passengers and crew shall always be superseded by an observation of the same duration.

2. Uninfected vessels may obtain pratique there only upon condition that five full days have elapsed since the time of their departure from the last infected port.

3. In regard to suspected vessels the period of five days for the observation of the crew and passengers shall begin as soon as there is no case of plague or cholera on board.

Title III. Provisions Specially Applicable to Pilgrimages.

Chapter I. *General provisions.*

Art. 84. The provisions of article 54 of Title II are applicable to persons and objects bound for Hedjaz or Irak Arabi and who are to be embarked on a pilgrim ship, even if the port of embarkation is not infected with plague or cholera.

Art. 85. When cases of plague or cholera exist in the port, no embarkation shall be made on pilgrim ships until after the persons, assembled in a group, have been subjected to an observation for the purpose of ascertaining that none of them is stricken with plague or cholera.

It shall be understood that, in executing this measure, each Government may take into account the local circumstances and possibilities.

Art. 86. If local circumstances permit, the pilgrims shall be obliged to prove that they possess the means absolutely necessary to complete the pilgrimage, especially a round-trip ticket.

Art. 87. Steamships shall alone be permitted to engage in the long-voyage transportation of pilgrims, all other vessels being forbidden to engage in this traffic.

Art. 88. Pilgrim ships engaged in coasting trade and used in making the conveyances of short duration called "coasting trade" shall be subject to the provisions contained in the special regulations applicable to the Hedjaz pilgrimage, which shall be published by the Board of Health of Constantinople in accordance with the principles enounced in the present Convention.

Art. 89. A vessel which does not embark a greater proportion of pilgrims of the lowest class than one per hundred tons' gross burden, in addition to its ordinary passengers (among whom pilgrims of the higher class may be included), shall not be considered as a pilgrim ship.

Art. 90. Every pilgrim ship situated in Ottoman waters must conform to the provisions contained in the special regulations applicable to the Hedjaz pilgrimage, which shall be published by the Board of Health of Constantinople in accordance with the principles set forth in the present convention.

Art. 91. The captain shall be obliged to pay all the sanitary taxes collectible from the pilgrims, which shall be comprised in the price of the ticket.

Art. 92. As far as possible, the pilgrims who land or embark at the sanitary stations should not come in contact with one another at the points of debarkation.

The pilgrims who are landed shall be sent to the encampment in as small groups as possible.

They must be furnished with good drinking water, whether it is found on the spot or obtained by distillation.

ART. 93. When there is plague or cholera in Hedjaz, the provisions carried by the pilgrims shall be destroyed if the health authority deems it necessary.

CHAPTER II. *Pilgrim ships—Sanitary arrangements.*

SECTION I. GENERAL ARRANGEMENT OF VESSELS.

ART. 94. The vessel must be able to lodge pilgrims between decks.

Outside of the crew, the vessel shall furnish to every individual, whatever be his age, a surface of 1.5 square meters (16 English square feet) with a height between decks of about 1.8 meters.

On vessels engaged in coasting trade each pilgrim shall have at his disposal a space of at least 2 meters wide along the gunwales of the vessel.

ART. 95. On each side of the vessel, on deck, there shall be reserved a place screened from view and provided with a hand pump so as to furnish sea water for the needs of the pilgrims. One such place shall be reserved exclusively for women.

ART. 96. In addition to the water closets for the use of the crew, the vessel shall be provided with latrines flushed with water or provided with a stop cock, in the proportion of at least one latrine for every 100 persons embarked.

There shall be latrines reserved exclusively for women.

There shall be no water closets between decks or within the hold.

ART. 97. The vessel shall have two places arranged for private cooking by the pilgrims, who shall be forbidden to make a fire elsewhere and especially on deck.

ART. 98. Infirmaries properly arranged with regard to safety and sanitary conditions shall be reserved for lodging the sick.

They shall be so arranged as to be capable of isolating, according to the kind of disease, persons stricken with transmissible ailments.

The infirmaries shall be able to receive at least 5 per cent of the pilgrims embarked, allowing at least 3 square kilometers per head.

ART. 99. Every vessel shall have on board the medicines, disinfectants, and articles necessary for the care of the sick. The regulations made for this kind of vessels by each Government shall determine the nature and quantity of the medicines.[a] The care and the remedies shall be furnished free of charge to the pilgrims.

ART. 100. Every vessel embarking pilgrims shall have on board a physician holding a regular diploma and commissioned by the Government of the country to which the vessel belongs or by the Government of the port in which the vessel takes pilgrims on board. A second physician shall be embarked as soon as the number of pilgrims carried by the vessel exceeds one thousand.

ART. 101. The captain shall be obliged to have handbills posted on board in a position which is conspicuous and accessible to those interested. They shall be in the principal languages of the countries inhabited by the pilgrims embarked, and show:

1. The destination of the vessel.
2. The price of the tickets.

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[a] It is desirable that each vessel be provided with the principal immunizing agents (antiplague serum, Haffkine vaccine, etc.).

3. The daily ration of water and food allowed to each pilgrim.

4. A price list of victuals not comprised in the daily ration and to be paid for extra.

ART. 102. The heavy baggage of the pilgrims shall be registered, numbered, and placed in the hold. The pilgrims shall keep with them only such articles as are absolutely necessary, the regulations made by each Government for its vessels determining the nature, quantity, and dimensions thereof.

ART. 103. The provisions of Chapters I, II (sections I, II, and III), and III of the present Title shall be posted, in the form of regulations, in the language of the nationality of the vessel as well as in the principal languages of the countries inhabited by the pilgrims embarked, in a conspicuous and accessible place on each deck and between decks on every vessel carrying pilgrims.

SECTION II. MEASURES TO BE TAKEN BEFORE DEPARTURE.

ART. 104. At least three days before departure the captain, or in the absence of the captain the owner or agent, of every pilgrim ship must declare his intention to embark pilgrims to the competent authority of the port of departure. In ports of call the captain, or in the absence of the captain the owner or agent, of every pilgrim ship must make this same declaration twelve hours before the departure of the vessel. This declaration must indicate the intended day of sailing and the destination of the vessel.

ART. 105. Upon the declaration prescribed by the preceding article being made, the competent authority shall proceed to the inspection and measurement of the vessel at the expense of the captain. The consular officer of the country to which the vessel belongs may be present at this inspection.

The inspection only shall be made if the captain is already provided with a certificate of measurement issued by the competent authority of his country, unless it is suspected that the document no longer corresponds to the actual state of the vessel.[a]

ART. 106. The competent authority shall not permit the departure of a pilgrim ship until he has ascertained:

a) That the vessel has been put in a state of perfect cleanliness and, if necessary, disinfected.

b) That the vessel is in a condition to undertake the voyage without danger; that it is properly equipped, arranged, and ventilated; that it is provided with an adequate number of small boats; that it contains nothing on board which is or might become detrimental to the health or safety of the passengers, and that the deck is of wood or of iron covered with wood.

c) That, in addition to the provisions for the crew, there are provisions and fuel of good quality on board, suitably stored and in sufficient quantity for all the pilgrims and for the entire anticipated duration of the voyage.

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[a] The competent authority is at present: In British India, an officer designated for this purpose by the local government (Native Passenger Ships Act, 1887, Art. 7); in Dutch India, the harbormaster; in Turkey, the health authority; in Austria-Hungary, the port authority; in Italy, the harbormaster; in France, Tunis, and Spain, the health authority; in Egypt, the quarantine and health authority, etc.

d) That the drinking water taken on board is of good quality and from a source protected against all contamination; that there is a sufficient quantity thereof; that the tanks of drinking water on board are protected against all contamination and closed in such a way that the water can only be let out through the stop cocks or pumps. The devices for letting water out called "suckers" are absolutely forbidden.

e) That the vessel has a distilling apparatus capable of producing at least 5 liters of water per head each day for every person embarked, including the crew.

f) That the vessel has a disinfecting chamber whose safety and efficiency have been ascertained by the health authority of the port of embarkation of the pilgrims.

g) That the crew comprises a physician holding a diploma and commissioned [a] either by the Government of the country to which the vessel belongs or by the Government of the port where the vessel takes on pilgrims, and that the vessel has a supply of medicines, all in conformity with articles 99 and 100.

h) That the deck of the vessel is free from all cargo and other incumbrances.

i) That the arrangements of the vessel are such that the measures prescribed by Section III hereinafter may be executed.

ART. 107. The captain shall not sail until he has in his possession:

1. A list viséed by the competent authority and showing the name, sex, and total number of the pilgrims whom he is authorized to embark.

2. A bill of health setting forth the name, nationality, and tonnage of the vessel, the name of the captain and of the physician, the exact number of persons embarked (crew, pilgrims, and other passengers), the nature of the cargo, and the port of departure.

The competent authority shall indicate on the bill of health whether the number of pilgrims allowed by the regulations is reached or not, and, in case it is not reached, the additional number of passengers which the vessel is authorized to embark in subsequent ports of call.

SECTION III. MEASURES TO BE TAKEN DURING THE PASSAGE.

ART. 108. The deck shall remain free from encumbering objects during the voyage and shall be reserved day and night for the persons on board and be placed gratuitously at their service.

ART. 109. Every day the space between decks should be cleaned carefully and scrubbed with dry sand mixed with disinfectants while the pilgrims are on deck.

ART. 110. The latrines intended for the passengers as well as those for the crew should be kept neat and be cleansed and disinfected three times a day.

ART. 111. The excretions and dejections of persons showing symptoms of plague or cholera shall be collected in vessels containing a disinfecting solution. These vessels shall be emptied into the latrines, which shall be thoroughly disinfected after each flushing.

ART. 112. Articles of bedding, carpets, and clothing which have been in contact with the patients mentioned in the preceding article

[a] Exception is made for governments which have no commissioned physicians.

shall be immediately disinfected. The observance of this rule is especially enjoined with regard to the clothing of persons who come near to these patients and who may have become contaminated.

Such of the articles mentioned above as have no value shall be thrown overboard, if the vessel is neither in a port nor a canal, or else destroyed by fire. The others shall be carried to the disinfecting chamber in impermeable sacks washed with a disinfecting solution.

ART. 113. The quarters occupied by the patients and referred to in article 98 shall be thoroughly disinfected.

ART. 114. Pilgrim ships shall be compelled to submit to disinfecting operations in conformity with the regulations in force on the subject in the country whose flag they fly.

ART. 115. The quantity of drinking water allowed daily to each pilgrim free of charge, whatever be his age, shall be at least 5 liters.

ART. 116. If there is any doubt about the quality of the drinking water or any possibility of its contamination either at the place of its origin or during the course of the voyage, the water shall be boiled or otherwise sterilized and the captain shall be obliged to throw it overboard at the first port in which a stop is made and in which he is able to procure a better supply.

ART. 117. The physician shall examine the pilgrims, attend the patients, and see that the rules of hygiene are observed on board. He shall especially:

1. Satisfy himself that the provisions dealt out to the pilgrims are of good quality, that their quantity is in conformity with the obligations assumed, and that they are suitably prepared.

2. Satisfy himself that the requirements of article 115 relative to the distribution of water are observed.

3. If there is any doubt about the quality of the drinking water, remind the captain in writing of the provisions of article 116.

4. Satisfy himself that the vessel is maintained in a constant state of cleanliness, and especially that the latrines are cleansed in accordance with the provisions of article 110.

5. Satisfy himself that the lodgings of the pilgrims are maintained in a healthful condition, and that, in case of transmissible disease, they are disinfected in conformity with articles 113 and 114.

6. Keep a diary of all the sanitary incidents occurring during the course of the voyage and present this diary to the competent authority of the port of arrival.

ART. 118. The persons intrusted with the care of the plague or cholera patients shall alone have access to them and shall have no contact with the other persons on board.

ART. 119. In case of a death occurring during the voyage, the captain shall make note of the death opposite the name on the list viséed by the authority of the port of departure, besides entering on his journal the name of the deceased person, his age, where he comes from, the presumable cause of his death according to the physician's certificate, and the date of the death.

In case of death by a transmissible disease, the body shall be wrapped in a shroud saturated with a disinfecting solution and thrown overboard.

ART. 120. The captain shall see that all the prophylactic measures executed during the voyage are recorded in the ship's journal. This journal shall be presented to him by the competent authority of the port of arrival.

In each port of call the captain shall have the list prepared in accordance with article 107 viséed by the competent authority.

In case a pilgrim is landed during the course of the voyage, the captain shall note the fact on the list opposite the name of the pilgrim.

In case of an embarkation, the persons embarked shall be mentioned on this list in conformity with the aforementioned article 107 and before it is viséed again by the competent authority.

ART. 121. The bill of health delivered at the port of departure shall not be changed during the course of the voyage.

It shall be viséed by the health authority of each port of call, who shall note thereon:

1. The number of passengers landed or embarked in the port.
2. The incidents occurring at sea and affecting the health or life of the persons on board.
3. The sanitary condition of the port of call.

SECTION IV. MEASURES TO BE TAKEN ON THE ARRIVAL OF PILGRIMS IN THE RED SEA.

A. SANITARY MEASURES APPLICABLE TO MUSULMAN-PILGRIM SHIPS HAILING FROM AN INFECTED PORT AND BOUND FROM THE SOUTH TOWARD HEDJAZ.

ART. 122. Pilgrim ships hailing from the south and bound for Hedjaz shall first stop at the sanitary station at Camaran, where they shall be subjected to the measures prescribed in articles 123 to 125.

ART. 123. Vessels recognized as *uninfected* after a medical inspection shall obtain pratique when the following operations are completed:

The pilgrims shall be landed, take a shower or sea bath, and their soiled linen and the part of their wearing apparel and baggage which appears suspicious in the opinion of the health authority shall be disinfected. The duration of these operations, including debarkation and embarkation, shall not exceed forty-eight hours.

If no real or suspected case of plague or cholera is discovered during these operations, the pilgrims shall be reembarked immediately and the vessel shall proceed toward Hedjaz.

For plague, the provisions of articles 23 and 24 shall be applied with regard to the rats which may be found on board the vessels.

ART. 124. *Suspicious* vessels on board of which there were cases of plague or cholera at the time of departure but on which there has been no new case of plague or cholera for seven days, shall be treated in the following manner:

The pilgrims shall be landed, take a shower or sea bath, and their soiled linen and the part of their wearing apparel and baggage which appears suspicious in the opinion of the health authority shall be disinfected.

In time of cholera the bilge water shall be changed.

The parts of the vessel occupied by the patients shall be disinfected. The duration of these operations, including debarkation and embarkation, shall not exceed forty-eight hours.

If no real or suspected case of plague or cholera is discovered during these operations, the pilgrims shall be reembarked immediately and the vessel shall proceed to Djeddah, where a second medical

inspection shall take place on board. If the result thereof is favorable, and on the strength of a written affidavit by the ship's physician to the effect that there has been no case of plague or cholera during the passage, the pilgrims shall be immediately landed.

If, on the contrary, one or more real or suspected cases of plague or cholera have been discovered during the voyage or at the time of arrival, the vessel shall be sent back to Camaran, where it shall undergo anew the measures applicable to infected vessels.

For plague, the provisions of article 22, 6th par., shall be applicable with regard to the rats which may be found on board the vessels.

ART. 125. *Infected* vessels, that is, those having cases of plague or cholera on board or having had cases of plague or cholera within seven days, shall undergo the following treatment:

The persons stricken with plague or cholera shall be landed and isolated in groups comprising as few persons as possible, so that the whole number may not be infected by a particular group if plague or cholera should develop therein.

The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the vessel, shall be disinfected in a thorough manner.

However, the local health authority may decide that the discharge of the heavy baggage and the cargo is not necessary, and that only a part of the vessel need be disinfected.

The passengers shall remain in the Camaran establishment five days. When cases of plague or cholera date back several days, the length of the isolation may be diminished. This length may vary according to the date of appearance of the last case and the decision of the health authority.

The vessel shall then proceed to Djeddah, where an individual and rigorous medical examination shall be made. If the result thereof is favorable, the vessel shall obtain pratique. If, on the contrary, real cases of plague or cholera have appeared on board during the voyage or at the time of arrival, the vessel shall be sent back to Camaran, where it shall undergo anew the treatment applicable to infected vessels.

For plague, the measures prescribed by article 22 shall be applied with regard to the rats which may be found on board the vessels.

ART. 126. Every sanitary station designed to receive pilgrims should be provided with a trained, experienced, and sufficiently numerous staff, as well as with all the buildings and apparatus necessary to insure the application, in their entirety, of the measures to which said pilgrims are subject.

B. SANITARY MEASURES APPLICABLE TO MUSULMAN–PILGRIM SHIPS HAILING FROM THE NORTH AND BOUND TOWARD HEDJAZ.

ART. 127. If plague or cholera is not known to exist in the port of departure or its neighborhood, and if no case of plague or cholera has occurred during the passage, the vessel shall be immediately granted pratique.

128. If plague or cholera is known to exist in the port of departure or its vicinity, or if a case of plague or cholera has occurred during the voyage, the vessel shall be subjected at Tor to the rules established for vessels coming from the south and stopping at Camaran. The vessels shall thereupon be granted pratique.

SECTION V. MEASURES TO BE TAKEN UPON THE RETURN OF PILGRIMS.

A. PILGRIM SHIPS RETURNING NORTHWARD.

ART. 129. Every vessel bound for Suez or for a Mediterranean port, having on board pilgrims or similar masses of persons, and hailing from a port of Hedjaz or from any other port on the Arabian coast of the Red Sea, must repair to Tor in order to undergo there the observation and the sanitary measures indicated in articles 133 and 135.

ART. 130. Vessels bringing Mussulman pilgrims back toward the Mediterranean shall pass through the canal in quarantine only.

ART. 131. The agents of navigation companies and captains are warned that, after completing their observation period at the sanitary station of Tor, the Egyptian pilgrims will alone be permitted to leave the vessel permanently in order to return thereupon to their homes.

Only those pilgrims will be recognized as Egyptians or as residents of Egypt who are provided with a certificate of residence issued by an Egyptian authority and conforming to the established model. Samples of this certificate shall be deposited with the consular and health authorities of Djeddah and Yambo, where the agents and captains of vessels can examine them.

Pilgrims other than Egyptians, such as Turks, Russians, Persians, Tunisians, Algerians, Moroccans, etc., can not be landed in an Egyptian port after leaving Tor. Consequently, navigation agents and captains are warned that the transshipment of pilgrims not residents of Egypt at Tor, Suez, Port Said, or Alexandria is forbidden.

Vessels having pilgrims on board who belong to the nationalities mentioned in the foregoing paragraph shall be subject to the rules applicable to these pilgrims and shall not be received in any Egyptian port of the Mediterranean.

ART. 132. Before being granted pratique, Egyptian pilgrims shall undergo an observation of three days and a medical examination at Tor, Souakim, or any other station designated by the Board of Health of Egypt.

ART. 133. If plague or cholera is known to exist in Hedjaz or in the port from which the vessel hails, or if it has existed in Hedjaz during the course of the pilgrimage, the vessel shall be subjected at Tor to the rules adopted at Camaran for infected vessels.

The persons stricken with plague or cholera shall be landed and isolated in the hospitals. The other passengers shall be landed and isolated in groups composed of as few persons as possible, so that the whole number may not be infected by a particular group if the plague or cholera should develop therein.

The soiled linen, wearing apparel, and clothing of the crew and passengers, as well as the baggage and cargo suspected of contamination shall be landed and disinfected. Their disinfection as well as that of the vessel shall be thorough.

However, the local health authority may decide that the unloading of the heavy baggage and the cargo is not necessary, and that only a part of the vessel need undergo disinfection.

The measures provided in articles 22 and 25 shall be applied with regard to the rats which may be found on board.

All the pilgrims shall be subjected to an observation of seven full days from the day on which the disinfecting operations are completed, whether it be a question of plague or of cholera. If a case of plague or cholera has appeared in one section, the period of seven days shall not begin for this section until the day on which the last case was discovered.

ART. 134. In the case contemplated in the preceding article, the Egyptian pilgrims shall be subjected, besides, to an additional observation of three days.

ART. 135. If plague or cholera is not known to exist either in Hedjaz or in the port from which the vessel hails, and has not been known to exist in Hedjaz during the course of the pilgrimage, the vessel shall be subjected at Tor to the rules adopted at Camaran for uninfected vessels.

The pilgrims shall be landed and take a shower or sea bath, and their soiled linen or the part of their wearing apparel and baggage which may appear suspicious in the opinion of the health authority shall be disinfected. The duration of these operations, including the debarkation and embarkation, shall not exceed seventy-two hours.

However, a pilgrim ship belonging to one of the nations which have adhered to the stipulations of the present and the previous conventions, if it has had no plague or cholera patients during the course of the voyage from Djeddah to Yambo or Tor and if the individual medical examination made at Tor after debarkation establishes the fact that it contains no such patients, may be authorized by the Board of Health of Egypt to pass through the Suez Canal in quarantine even at night when the following four conditions are fulfilled:

1. Medical attendance shall be given on board by one or several physicians commissioned by the governments to which the vessel belongs.

2. The vessel shall be provided with disinfecting chambers and it shall be ascertained that the soiled linen has been disinfected during the course of the voyage.

3. It shall be shown that the number of pilgrims does not exceed that authorized by the pilgrimage regulations.

4. The captain shall bind himself to repair directly to a port of the country to which the vessel belongs.

The medical examination shall be made as soon as possible after debarkation at Tor.

The sanitary tax to be paid to the quarantine administration shall be the same as the pilgrims would have paid had they remained in quarantine three days.

ART. 136. A vessel which has had a suspicious case on board during the voyage from Tor to Suez shall be sent back to Tor.

ART. 137. The transshipment of pilgrims is strictly forbidden in Egyptian ports.

ART. 138. Vessels leaving Hedjaz and having on board pilgrims who are bound for a port on the African shore of the Red Sea shall be authorized to proceed directly to Souakim or to such other place as the Board of Health of Alexandria may determine, where they shall submit to the same quarantine procedure as at Tor.

ART. 139. Vessels sailing from Hedjaz or from a port on the Arabian coast of the Red Sea with a clean bill of health, having no pil-

grims or similar groups of people on board, and which have had no suspicious occurrence during the voyage, shall be granted pratique at Suez after a favorable medical inspection.

Art. 140. When plague or cholera shall have been proven to exist in Hedjaz:

1. Caravans composed of Egyptian pilgrims shall, before going to Egypt, undergo at Tor a rigid quarantine of seven days in case of cholera or plague. They shall then undergo an observation of three days at Tor, after which they shall not be granted pratique until a favorable medical inspection has been made and their belongings have been disinfected.

2. Caravans composed of foreign pilgrims who are about to return to their homes by land routes shall be subjected to the same measures as the Egyptian caravans and shall be accompanied by sanitary guards to the edge of the desert.

Art. 141. When plague or cholera has not been observed in Hedjaz, the caravans of pilgrims coming from Hedjaz by way of Akaba or Moila shall, upon their arrival at the canal or at Nakhel, be subjected to a medical examination and their soiled linen and wearing apparel shall be disinfected.

B. PILGRIMS RETURNING SOUTHWARD.

Art. 142. Sufficiently complete sanitary arrangements shall be installed in the ports of embarkation of Hedjaz in order to render possible the application to pilgrims who have to travel southward in order to return to their homes, of the measures which are obligatory by virtue of articles 10 and 54 at the moment of departure of these pilgims in the ports situated beyond the Straits of Bab-el-Mandeb.

The application of these measures is optional; that is, they are only to be applied in those cases in which the consular officer of the country to which the pilgrim belongs, or the physician of the vessel on which he is about to embark, deems them necessary.

Chapter III. *Penalties.*

Art. 143. Every captain convicted of not having conformed, in the distribution of water, provisions, or fuel, to the obligations assumed by him, shall be liable to a fine of two Turkish pounds.[a] This fine shall be collected for the benefit of the pilgrim who shall have been the victim of the default, and who shall prove that he has vainly demanded the execution of the agreement made.

Art. 144. Every infraction of article 101 shall be punished by a fine of thirty Turkish pounds.

Art. 145. Every captain who has committed or knowingly permitted any fraud whatever concerning the list of pilgrims or the bill of health provided for in article 107 shall be liable to a fine of fifty Turkish pounds.

Art. 146. Every captain of a vessel arriving without a bill of health from the port of departure, or without a visé from the ports of call, or who is not provided with the list required by the regula-

[a] The Turkish pound is worth 22 francs and 50 centimes.

tions and regularly kept in accordance with articles 107, 120, and 121, shall be liable in each case to a fine of twelve Turkish pounds.

ART. 147. Every captain convicted of having or having had on board more than 100 pilgrims without the presence of a commissioned physician in conformity with the provisions of article 100 shall be liable to a fine of thirty Turkish pounds.

ART. 148. Every captain convicted of having or having had on board a greater number of pilgrims than that which he is authorized to embark in conformity with the provisions of article 107 shall be liable to a fine of five Turkish pounds for each pilgrim in excess.

The pilgrims in excess of the regular number shall be landed at the first station at which a competent authority resides, and the captain shall be obliged to furnish the landed pilgrims with the money necessary to pursue their voyage to their destination.

ART. 149. Every captain convicted of having landed pilgrims at a place other than their destination, except with their consent or excepting cases of *vis major*, shall be liable to a fine of twenty Turkish pounds for each pilgrim wrongfully landed.

ART. 150. All other infractions of the provisions relative to pilgrim ships are punishable by a fine of from 10 to 100 Turkish pounds.

ART. 151. Every violation proven in the course of a voyage shall be noted on the bill of health as well as on the list of pilgrims. The competent authority shall draw up a report thereof and deliver it to the proper party.

ART. 152. All agents called upon to assist in the execution of the provisions of the present Convention with regard to pilgrim ships are liable to punishment in conformity with the laws of their respective countries in case of faults committed by them in the application of the said provisions.

TITLE IV. SURVEILLANCE AND EXECUTION.

I. SANITARY, MARITIME, AND QUARANTINE BOARD OF EGYPT.

ART. 153. The stipulations of Appendix III of the Sanitary Convention of Venice of January 30, 1892, concerning the composition, rights and duties, and operation of the Sanitary, Maritime, and Quarantine Board of Egypt, are confirmed as they appear in the decrees of His Highness the Khedive under date of June 19, 1893, and December 25, 1894, as well as in the ministerial decision of June 19, 1893.

The said decrees and decision are annexed to the present convention. (Appendix II.)

ART. 154. The ordinary expenses resulting from the provisions of the present convention, especially those relating to the increase of the personnel belonging to the Sanitary, Maritime, and Quarantine Board of Egypt, shall be covered by means of an annual supplementary payment by the Egyptian Government of the sum of 4,000 Egyptian pounds, which may be taken from the surplus revenues from the lighthouse service remaining at the disposal of said Government.

However, the proceeds of a supplementary quarantine tax of ten tariff dollars per pilgrim to be collected at Tor shall be deducted from this sum.

In case the Egyptian Government should find difficulty in bearing this share of the expenses, the Powers represented in the Board of Health shall reach an understanding with the Khedival Government in order to insure the participation of the latter in the expenses contemplated.

ART. 155. The Sanitary, Maritime, and Quarantine Board of Egypt shall undertake the task of bringing the provisions of the present convention into conformity with the regulations at present enforced by it in regard to the plague, cholera, and yellow fever, as well as with the regulations relative to arrivals from the Arabian ports of the Red Sea during the pilgrim season.

To the same end it shall, if necessary, revise the general regulations of the sanitary, maritime, and quarantine police at present in force.

These regulations, in order to become effective, must be accepted by the various Powers represented on the Board.

II. THE INTERNATIONAL HEALTH BOARD OF TANGIER.

ART. 156. In the interest of public health, the High Contracting Parties agree that their representatives in Morocco shall again invite the attention of the International Health Board of Tangier to the necessity of enforcing the provisions of the sanitary conventions.

III. MISCELLANEOUS PROVISIONS.

ART. 157. The proceeds from the sanitary taxes and fines shall in no case be employed for objects other than those within the scope of the Boards of Health.

ART. 158. The High Contracting Parties agree to have a set of instructions prepared by their health departments for the purpose of enabling captains of vessels, especially when there is no physician on board, to enforce the provisions contained in the present convention with regard to plague, cholera, and yellow fever.

TITLE V. ADHESIONS AND RATIFICATIONS.

ART. 159. The Governments which have not signed the present convention shall be permitted to adhere thereto upon request. Notice of this adhesion shall be given through diplomatic channels to the Government of the French Republic and by the latter to the other signatory governments.

ART. 160. The present convention shall be ratified and the ratifications thereof deposited at Paris as soon as possible.

It shall be enforced as soon as it shall have been proclaimed in conformity with the legislation of the signatory nations. In the respective relations of the Powers which have ratified it, it shall supersede the international sanitary conventions signed January 30, 1892; April 15, 1893; April 3, 1894; March 19, 1897; and December 3, 1903.

The previous arrangements enumerated above shall remain in force with regard to the Powers which, having signed or adhered to them, may not ratify or accede to the present act.

In witness whereof the respective Plenipotentiaries have signed the present convention and affixed thereto their seals.

Done at Paris on January 17, 1912, in a single copy which shall remain deposited in the archives of the Government of the French Republic, and of which certified copies shall be transmitted through diplomatic channels to the Contracting Powers.

[L. S.]	Signed:	FRHRR VON STEIN.
[L. S.]	Signed:	DR. GAFFKY.
[L. S.]	Signed:	A. BAILLY-BLANCHARD.
[L. S.]	Signed:	FRANCISCO DE VEYGA.
[L. S.]	Signed:	EZEQUIEL CASTILLA.
[L. S.]	Signed:	GAGERN.
[L. S.]	Signed:	HABERLER.
[L. S.]	Signed:	WORMS.
[L. S.]	Signed:	BÖLCS.
[L. S.]	Signed:	MÜLLER.
[L. S.]	Signed:	O. VELGHE.
[L. S.]	Signed:	DR. VAN ERMENGEM.
[L. S.]	Signed:	ISMAEL MONTES.
[L. S.]	Signed:	DR. CHERVIN.
[L. S.]	Signed:	DR. FIGUEIREDO DE VASCONCELLOS.
[L. S.]	Signed:	STANCIOFF.
[L. S.]	Signed:	DR. G. CHICHICOFF.
[L. S.]	Signed:	F. PUGA BORNE.
[L. S.]	Signed:	J. E. MANRIQUE.
[L. S.]	Signed:	DR. A. ALVAREZ CAÑAS.
[L. S.]	Signed:	TOMAS COLLAZO.
[L. S.]	Signed:	F. RAVENTLOW.
[L. S.]	Signed:	VICTOR M. RENDON.
[L. S.]	Signed:	E. DORN Y DE ALSUA.
[L. S.]	Signed:	F. DE REYNOSO.
[L. S.]	Signed:	ANGEL PULIDO.
[L. S.]	Signed:	CAMILLE BARRÈRE.
[L. S.]	Signed:	GAVARRY.
[L. S.]	Signed:	DR. E. ROUX.
[L. S.]	Signed:	MIRMAN.
[L. S.]	Signed:	DR. A. CALMETTE.
[L. S.]	Signed:	ER. RONSSIN.
[L. S.]	Signed:	HARISMENDY.
[L. S.]	Signed:	PAUL ROUX.
[L. S.]	Signed:	LANCELOT D. CARNEGIE.
[L. S.]	Signed:	RALPH W. JOHNSTONE.
[L. S.]	Signed:	BENJAMIN FRANKLIN.
[L. S.]	Signed:	D. CACLAMANOS.
[L. S.]	Signed:	J. M. LARDIZÀBAL.
[L. S.]	Signed:	DR. CASSÉUS.
[L. S.]	Signed:	DÉSIRÉ PECTOR.
[L. S.]	Signed:	ROCCO SANTOLOQUIDO.
[L. S.]	Signed:	ADOLFO COTTA.
[L. S.]	Signed:	BASTIN.
[L. S.]	Signed:	DR. PRAUM.
[L. S.]	Signed:	MIGUEL ZUÑIGA Y AZCARATE.
[L. S.]	Signed:	BRUNET.
[L. S.]	Signed:	DR. E. BINET.
[L. S.]	Signed:	F. WEDEL JARLSBERG.
[L. S.]	Signed:	J. A. JIMENEZ.

[L. S.]	Signed:	DR. W. P. RUYSCH.
[L. S.]	Signed:	DR. C. WINKLER.
[L. S.]	Signed:	M. SAMAD.
[L. S.]	Signed:	ANTONIO AUGUSTO GONÇALVES BRAGA.
[L. S.]	Signed:	ALEXANDRE EM. LAHOVARY.
[L. S.]	Signed:	PLATON DE WAXEL.
[L. S.]	Signed:	NICOLAS FREYBERG.
[L. S.]	Signed:	DR. S. LETONA.
[L. S.]	Signed:	MIL. R. VESNITCH.
[L. S.]	Signed:	DR. MANAUD.
[L. S.]	Signed:	GYLDENSTOLPE.
[L. S.]	Signed:	LARDY.
[L. S.]	Signed:	MISSAK.
[L. S.]	Signed:	Y. SADDIK.
[L. S.]	Signed:	LOUIS PIERA.

I certify that the foregoing is a true copy.

R. POINCARÉ,
President of the Council,
Minister of Foreign Affairs of the French Republic.

APPENDICES.

APPENDIX I.

(See ART. 82.)

Regulations concerning the passage, in quarantine trains through Egyptian territory, of travelers and mail bags coming from contaminated countries.

ART. 1. If an Egyptian Railroad Administration desires a quarantine train to connect with vessels arriving from contaminated ports, it shall notify the local quarantine authority at least two hours before departure.

ART. 2. The passengers shall land at the place indicated by the quarantine authority, with the consent of the Railroad Administration and the Egyptian Government, and shall pass directly and without any communication from the vessel to the train, under the supervision of a transit officer and of two or more sanitary guards.

ART. 3. The personal effects, baggage, etc., of the passengers shall be transported in quarantine with the means at the disposal of the vessel.

ART. 4. The agents of the railroad shall be obliged to obey the orders of the transit officer as regards the quarantine measures.

ART. 5. The cars assigned to this service shall be longitudinal-aisle cars. A sanitary guard shall be placed in each car and shall have supervision over the passengers. The agents of the railroad shall have no communication with the passengers.

A physician of the quarantine service shall accompany the train.

ART. 6. The heavy baggage of the passengers shall be placed in a special car to be sealed at the departure of the train by the transit

officer. Upon arrival, the seals shall be withdrawn by the transit officer.

Any transshipment or embarkation during the trip shall be prohibited.

ART. 7. The closets shall be provided with cans containing a certain quantity of antiseptic for receiving the dejections of the passengers.

ART. 8. The platforms of the stations where the train is obliged to stop shall be completely vacated, except by such agents of the service as are absolutely indispensable.

ART. 9. Each train may have a dining car. The leavings of the tables shall be destroyed. The employees of this car as well as the other employees of the railroad who have for any reason come in contact with the passengers shall be subjected to the same treatment as the pilots and electricians at Port Said and Suez or to such measures as the Board may deem necessary.

ART. 10. The passengers shall be absolutely prohibited from throwing anything out of the windows, doors, etc.

ART. 11. In each train an infirmary compartment shall remain empty in order that any persons falling ill may be isolated therein. This compartment shall be arranged according to the directions of the Quarantine Board.

If a case of plague or cholera should appear among the passengers, the patient shall be immediately isolated in the special compartment. Upon the arrival of the train this patient shall be transferred at once to the quarantine lazaretto. The other passengers shall continue their voyage in quarantine.

ART. 12. If a case of plague or cholera should appear during the trip, the train shall be disinfected by the quarantine authority.

At all events, the cars which have contained the baggage and the mails shall be disinfected immediately after the arrival of the train.

ART. 13. The transshipment from the train to the boat shall be accomplished in the same way as at arrival. The boat receiving the passengers shall be immediately placed in quarantine and mention shall be made on the bill of health of the accidents which may have occurred en route, those persons who may have been in contact with the patients being specially designated.

ART. 14. The expenses incurred by the quarantine administration shall be borne by the party asking for the quarantine.

ART. 15. The President of the Board, or his substitute, shall have a right to watch over the train during its whole trip.

The President may, moreover, set a superior employee (besides the transit officer and the guards) to watch over said train.

This employee shall have access to the train upon mere presentation of an order signed by the President.

APPENDIX II.

Khedival decree of June 19, 1893.

(See art. 153.)

1. Measures to prevent introduction and transmission of epidemic diseases and epizootics.
2. Number and qualification of delegates.

3. Supervision over sanitary condition.
4. Sanitary bulletins of cities of Cairo and Alexandria, and Provinces.
5. Ascertainment of sanitary condition of country, and dispatch of inspecting boards.
6. Preventive measures to be adopted by board.
7. Drafting of note on bill of health.
8. Adoption of measures to prevent transmission of diseases to foreign countries.
9. Supervisory control of quarantine sanitary measures.
10. Regulations for transportation of pilgrims.
11. Decisions of board to be communicated.
12. Enforcement of the decisions and power of the president of the board.
13. Selection of sanitary inspector general and other officers.
14. Appointment of officers to service, and dismissals.
15. Number of directors, etc.
16. Control of sanitary employees; responsibility for proper performance of the service.
17. Agency of El Ariche.
18. Employees of medical and administrative service.
19. Supervisory powers of sanitary inspector general.
20. Information as to sanitary condition of Hedjaz.
21. Complaints lodged against agents, and disciplinary committee.
22. Disciplinary penalties.
23. Collection of sanitary and quarantine dues.
24. Control of finances.
25. Secret ballots of the board.
26. Assistance by civil authorities.
27. Repeal of previous decrees and regulations.
28. Enforcement.

We, Khedive of Egypt, on the recommendation of Our Minister of the Interior, with the advice and consent of our Cabinet, and considering that it is necessary to introduce various amendments in our decree of January 3, 1881 (2 Safer 1298), decree:

ART. 1. The Sanitary, Maritime, and Quarantine Board shall decide on the measures to be taken to prevent the introduction into Egypt, or the transmission to foreign countries, of epidemic diseases and epizootics.

The number of Egyptian delegates shall be reduced to four, as follows:

1. The President of the Board, appointed by the Egyptian Government and to vote only in case of a tie.

2. A European doctor of medicine, Inspector General of the Sanitary, Maritime, and Quarantine Service.

3. The Sanitary Inspector of the city of Alexandria, or whoever acts in that capacity.

4. The Veterinary Inspector of the Administration of sanitary services and public hygiene.

All the Delegates must be physicians holding a regular diploma, granted either by a European faculty of medicine or by the Government, or be regularly appointed officials in actual service, of the grade of vice consul at least, or of an equivalent grade. This provision is not applicable to the present incumbents.

ART. 3. The Sanitary, Maritime, and Quarantine Board shall exercise permanent supervision over the sanitary condition of Egypt and over arrivals from foreign countries.

ART. 4. As regards Egypt, the Sanitary, Maritime, and Quarantine Board shall receive each week, from the Board of Health and Public Hygiene, the sanitary bulletins of the cities of Cairo and Alexandria, and each month the sanitary bulletins of the provinces. These bul-

letins shall be transmitted at shorter intervals when, owing to special circumstances, the Sanitary, Maritime, and Quarantine Board so requests.

On its part, the Sanitary, Maritime, and Quarantine Board shall communicate to the Board of Health and Public Hygiene any decisions it may have reached and any information it may have received from abroad.

The Governments shall address to the Board, if they deem proper, the sanitary bulletin of their country, and shall notify it of epidemics and epizootics as soon as they appear.

ART. 5. The Sanitary, Maritime, and Quarantine Board shall ascertain the sanitary condition of the country and send inspecting boards wherever it may deem necessary.

The Board of Health and Public Hygiene shall be notified of the dispatch of these boards and shall endeavor to facilitate the performance of their mission.

ART. 6. The Board shall adopt preventive measures for the purpose of preventing the introduction of epidemics and epizootics into Egypt via the maritime or desert frontiers, and it shall determine the points at which temporary camps and permanent quarantine establishments are to be located.

ART. 7. It shall draft the note to be written on the bill of health issued by the health offices to departing vessels.

ART. 8. In case of the appearance of epidemics or epizootics in Egypt, it shall adopt preventive measures with the object of preventing the transmission of these diseases to foreign countries.

ART. 9. The Board shall supervise and control the execution of the quarantine sanitary measures which it has adopted.

It shall draft all regulations relating to the quarantine service and see to their strict enforcement both with regard to protecting the country and to maintaining the guarantees stipulated by international sanitary conventions.

ART. 10. It shall regulate, from a sanitary standpoint, the conditions under which pilgrims going to and returning from Hedjaz are to be transported, and watch over their state of health during pilgrimage.

ART. 11. The decisions reached by the Sanitary, Maritime, and Quarantine Board shall be communicated to the Ministry of the Interior; they shall also be made known to the Ministry of Foreign Affairs, which shall notify them, if necessary, to the agencies and consulates general.

However, the President of the Board shall be authorized to correspond directly with the consular authorities of maritime cities in current matters connected with the service.

ART. 12. The President, and, in case of his absence or impediment, the Inspector General of the Sanitary, Maritime, and Quarantine Service, shall see to the enforcement of the decisions of the Board.

For this purpose he shall correspond directly with all the agents of the Sanitary, Maritime, and Quarantine Service and with the various authorities of the countries. He shall, with the advice of the Board, direct the sanitary police of the ports, the maritime quarantine establishments, and the quarantine stations of the desert.

Finally, he shall transact current business.

ART. 13. The sanitary inspector general, the directors of sanitary offices, and the physicians of sanitary stations and quarantine camps must be selected from among physicians regularly diplomaed either by a European faculty of medicine or by the Government.

The delegate of the Board at Djeddah may be a diplomaed physician of Cairo.

ART. 14. The Board shall designate its candidates through its President to the Minister of the Interior for all offices and positions under the Sanitary, Maritime, and Quarantine Service, said Minister alone having a right to appoint them.

The same course shall be followed in regard to dismissals, transfers, and promotions.

However, the President shall have the direct appointment of all the subaltern agents, laborers, servants, etc.

The appointment of the sanitary guards shall be reserved to the Board.

ART. 15. The number of directors of sanitary offices shall be seven, their residence being at Alexandria, Damietta, Port Said, Suez, Tor, Souakim, and Kosseir.

The sanitary office of Tor may operate only during the continuance of the pilgrimage or in time of epidemic.

ART. 16. The directors of the sanitary offices shall have under their orders all the sanitary employees of their district. They shall be responsible for the proper performance of the service.

ART. 17. The chief of the sanitary agency of El Ariche shall have the same powers and duties as those entrusted to the directors by the foregoing article.

ART. 18. The directors of the sanitary stations and quarantine camps shall have under their orders all the employees of the medical and administrative service of the establishments under their direction.

ART. 19. The sanitary inspector general shall have the supervision over all the services under the Sanitary, Maritime, and Quarantine Board.

ART. 20. It shall be the mission of the delegate of the Sanitary, Maritime, and Quarantine Board at Djeddah to furnish the Board with information as to the sanitary condition of Hedjaz, especially in time of pilgrimage.

ART. 21. A disciplinary committee composed of the President, the Inspector General of the Sanitary, Maritime, and Quarantine Service, and the three delegates elected by the Board, shall be intrusted with an examination of the complaints lodged against the agents belonging to the Sanitary, Maritime, and Quarantine Service.

It shall draw up a report on each case and submit it to the consideration of the Board convened in general assembly. The delegates shall be renewed every year. They shall be reeligible.

The decision of the Board shall be submitted by its President to the sanction of the Minister of the Interior.

The disciplinary committee may inflict, without consulting the Board: 1) Censure and 2) suspension of pay up to one month.

ART. 22. The disciplinary penalties shall be:

1. Censure.
2. Suspension of pay from eight days to three months.
3. Transfer without indemnity.

4. Dismissal.

All without prejudice to any actions to be brought for common law crimes or offenses.

ART. 23. Sanitary and quarantine dues shall be collected by the agents belonging to the Sanitary, Maritime, and Quarantine Service.

The latter shall conform, in regard to accounts and book keeping, to the general regulations established by the Ministry of Finance.

The accounting officers shall address their accounts and the proceeds of their collections to the President of the Board.

The accounting officer who is chief of the central bureau of accounts shall acquit them over the visa of the President of the Board.

ART. 24. The Sanitary, Maritime, and Quarantine Board shall have control over its own finances.

The administration of the receipts and expenses shall be intrusted to a Committee composed of the President, the Inspector General of the Sanitary, Maritime, and Quarantine Service, and of three delegates of the Powers elected by the Board. It shall be entitled "Committee on Finances." The three delegates of the Powers shall be renewed every year. They shall be reeligible.

Subject to ratification by the Board, this Committee shall fix the salary of the employees of every grade; it shall decide on the permanent and the unforeseen expenses. Every three months, at a special meeting, it shall make a detailed report on its management to the Board. Within three months following the expiration of the budgetary year, the Board, upon the recommendation of the Committee, shall strike a final balance and transmit it through its President to the Ministry of the Interior.

The Board shall prepare the budget of its receipts and that of its expenditures. This budget shall be adopted by the Cabinet, at the same time as the general budget of the Government, as an annexed budget. In case the expenditures should exceed the receipts, the deficit shall be covered from the general resources of the Nation. However, the Board shall without delay examine into the means of balancing the receipts and expenditures. Its recommendations shall be transmitted by the President to the Minister of the Interior. Any surplus that may exist shall accrue to the treasury of the Sanitary, Maritime, and Quarantine Board; it shall, after a decision is reached by the Sanitary Board and ratified by the Cabinet, be devoted exclusively to the creation of a reserve fund for use in emergencies.

ART. 25. The President shall be obliged to order voting done by secret ballot whenever three members of the Board so request. Voting by secret ballot shall be compulsory whenever it is a question of the choice of Delegates of the Powers to form part of the Disciplinary Committee or of the Committee on Finances and when it is a question of appointing, dismissing, transferring, or promoting employees.

ART. 26. The Governors, Prefects of Police, and Mudirs shall be responsible, as far as concerns them, for the enforcement of the sanitary regulations. They, as well as the civil and military authorities, shall give their assistance, whenever legally called upon by the agents of the Sanitary, Maritime, and Quarantine Service, in order to insure the prompt enforcement of the measures taken in the interest of public health.

ART. 27. All previous decrees and regulations are repealed as far as contrary to the foregoing provisions.

ART. 28. Our Minister of the Interior is intrusted with the enforcement of the present decree, which shall not be enforceable until November 1, 1893.

Done in the Palace of Ramleh, June 19, 1893.

ABBAS HILMI.

By the Khedive:

RIAZ,

Head of the Cabinet, Minister of the Interior.

Khedival decree of December 25, 1894, providing funds to cover the deficits of the quarantine board, and to meet the extraordinary expenses necessitated by the fitting up of the sanitary establishments for Tor, Suez, and Moses Spring.

We, Khedive of Egypt, on the recommendation of Our Minister of Finance, with the advice and consent of our Cabinet, with the consent of the Commissioner-Directors of the Public Debt Fund as regards article 7, and with the consent of the Powers, decree:

ART. 1. Beginning with the fiscal year 1894, there shall be deducted annually from the present receipts of lighthouse dues the sum of 40,000 pounds Egyptian, which shall be employed as explained in the following articles.

ART. 2. The sum deducted in 1894 shall be used: 1) To cover any deficit during the fiscal year 1894 of the Quarantine Board, in case it has been impossible to entirely cover such deficit with the resources derived from the reserve fund of said Board, as will be stated in the following article; 2) to meet the extraordinary expenses necessitated by the fitting up of the sanitary establishments of Tor, Suez, and Moses Spring.

ART. 3. The present reserve fund of the Quarantine Board will be used to cover the deficit of the fiscal year 1894. and it shall not be reduced to an amount less than 10,000 pounds Egyptian.

If the deficit should not be fully covered, the remainder shall be met with the resources created in article 1.

ART. 4. From the sum of 80,000 pounds Egyptian derived from the fiscal years 1895 and 1896 there shall be deducted: 1) An amount equal to that which has been paid out in 1894 from the same receipts, to be applied to the deficit of said year 1894, so as to bring up to 40,000 pounds Egyptian the sums allotted to the extraordinary works provided for in article 1 for Tor, Suez, and Moses Spring; 2) the sums necessary in order to cover the deficit of the budget of the Quarantine Board for the fiscal years 1895 and 1896.

After the aforementioned deduction has been made, the surplus shall be devoted to the construction of new lighthouses in the Red Sea.

ART. 5. Beginning with the fiscal year 1897, this annual sum of 40,000 Egyptian pounds shall be used to cover possible deficits of the Quarantine Board. The amount necessary for this purpose shall be conclusively determined by taking as a basis the financial results of the fiscal years 1894 and 1895 of the Board.

The surplus shall be devoted to a reduction in the lighthouse dues, it being understood that these dues shall be reduced in the same proportion in the Red Sea and the Mediterranean.

ART. 6. In consideration of the aforementioned deductions and allotments the Government shall, beginning with 1894, be relieved of any obligation in regard to the expenses, ordinary or extraordinary, of the Quarantine Board.

It is understood, however, that the expenses borne hitherto by the Egyptian Government shall continue to be borne by it.

ART. 7. Beginning with the fiscal year 1894, upon the settlement of account of the excesses with the Public Debt Fund, the share of these excesses due the Government shall be increased by an annual sum of 20,000 pounds Egyptian.

ART. 8. It has been agreed between the Egyptian Government and the Governments of Germany, Belgium, Great Britain, and Italy that the sum allotted to a reduction of the lighthouse dues, in accordance with article 5 to the present decree, shall be deducted from the sum of 40,000 pounds Egyptian provided for in the letters annexed to the Commercial Conventions concluded between Egypt and said Governments.

ART. 9. Our Minister of Finance is charged with the enforcement of the present decree.

Done at the Palace of Koubbeh, December 25, 1894.

ABBAS KILMI.

By the Khedive:

N. NUBAR,
Head of the Cabinet.
AHMER MAZLOUM,
Minister of Finance.
BOUTROS GHALI,
Minister of Foreign Affairs.

Ministerial decision of June 19, 1893, concerning the operation of the sanitary, maritime, and quarantine service.

The Minister of the Interior, in view of the Decree of June 19, 1893, decides:

TITLE I. THE SANITARY, MARITIME, AND QUARANTINE BOARD.

ART. 1. The President shall be obliged to convene the Sanitary, Maritime, and Quarantine Board in regular session on the first Tuesday of each month.

He shall likewise be obliged to convene it whenever three members so request.

He shall, finally, convene the Board in extra session whenever circumstances demand the immediate adoption of an important measure.

ART. 2. The letter of convocation shall indicate the questions to be considered. Except in cases of urgency, no final decisions shall be made on any but questions mentioned in the letter of convocation.

ART. 3. The secretary of the Board shall prepare the minutes of the meetings.

These minutes must be presented for signature to all the members who have attended the meeting.

They shall be copied in full on a register which shall be preserved in the archives concurrently with the original minutes.

A provisional copy of the minutes shall be delivered to any member of the Board so requesting.

ART. 4. A Permanent Board composed of the President, Inspector General of the Sanitary, Maritime, and Quarantine Service, and two Delegates of the Powers elected by the Board, shall be charged with making decisions and taking measures in urgent matters.

The Delegates of the Nation interested shall always be summoned to attend, and shall be entitled to vote.

The President shall vote only in case of a tie.

The decisions shall be communicated at once by letter to all the members of the Board.

This Board shall be renewed every three months.

ART. 5. The President, or, in his absence, the Inspector General of the Sanitary, Maritime, and Quarantine Service, shall direct the deliberations of the Board, but shall vote only in case of a tie.

The President shall have general direction of the service. He shall be charged with causing the enforcement of the decisions of the Board.

SECRETARIAT.

ART. 7. The secretary of the Board, chief of the secretariat, shall "centralize" the correspondence with the Ministry of the Interior and the various agents of the Sanitary, Maritime, and Quarantine Service.

It shall be in charge of the statistics and archives. It shall have added to it clerks and interpreters in sufficient number to attend to the discharge of business.

ART. 7. The secretary of the Board, chief of the secretariat, shall attend the meetings of the Board and prepare the minutes.

He shall have under his orders the employees and servants of the secretariat.

He shall direct and supervice their work, under the authority of the President.

He shall have custody of and be responsible for the archives.

BUREAU OF ACCOUNTS.

ART. 8. The chief of the central bureau of accounts shall be "the accounting officer."

He shall not be permitted to assume office until he has furnished a bond the amount of which shall be fixed by the Sanitary, Maritime, and Quarantine Board.

He shall, under the direction of the Committee on Finance, supervise the operations of the employees whose duty it is to receive the sanitary and quarantine dues.

He shall draw up the statements and accounts which are to be transmitted to the Ministry of the Interior after being adopted by the Committee on Finance and approved by the Board.

THE SANITARY INSPECTOR GENERAL.

ART. 9. The sanitary inspector general shall have supervision of all the services under the Board. He shall exercise this supervision

under the conditions provided in article 19 of the Decree dated June 19, 1893.

He shall, at least once a year, inspect each of the sanitary offices, agencies, or posts.

Besides, the President shall, upon the recommendation of the Council and according to the needs of the service, determine the inspections which the Inspector General shall make.

In case of impediment of the Inspector General, the President shall designate, with the consent of the Board, the official who is to take his place.

Every time the Inspector General has visited an office, agency, sanitary post, sanitary station, or quarantine camp, he shall give an account to the President of the Board, in a special report, of the results of his inspection.

During the intervals between his rounds of inspection, the Inspector General shall, under the authority of the President, take part in the direction of the general service. He shall take the place of the President in case of absence or impediment.

Title II.—Service of Ports, Quarantine Stations, and Sanitary Stations.

Art. 10. The sanitary, maritime, and quarantine policing along the Egyptian coast of the Mediterranean and Red Seas, as well as on the land frontiers, in the direction of the desert, shall be intrusted to the directors of the health offices, the directors of sanitary stations or quarantine camps, the chiefs of sanitary agencies or sanitary posts, and the employees under their orders.

Art. 11. The directors of the health offices shall have the direction of and be responsible for the service both of the office at the head of which they are placed and of the sanitary posts thereunder.

They shall see to the strict enforcement of the regulations on sanitary, maritime, and quarantine police. They shall obey the instructions they receive from the President of the Board and shall give the necessary orders and instructions to all the employees of their office, as well as to the employees of the sanitary posts attached thereto.

They shall be charged with the examination and speaking of vessels and with the application of the Quarantine measures, and, in the cases provided by the regulations, they shall proceed to make medical inspections and inquiries regarding violations of quarantines.

In administrative matters they shall correspond only with the President, to whom they shall transmit all sanitary information which they gather while discharging their duties.

Art. 12. In regard to salary the directors of the health offices shall be divided into two classes:

The first class offices, which are four in number, viz: Alexandria, Port Said, Suez Basin and camp at Moses Spring, and Tor.

The second class offices, three in number, viz: Damietta, Souakim, and Kosseir.

Art. 13. The chiefs of the sanitary agencies shall have the same duties and powers, as regards the agency, as the directors as regards their office.

Art. 14. There shall be a single agency at El Ariche.

ART. 15. The chiefs of the sanitary posts shall have under their orders the employees of the post which they are directing. They shall be under the orders of the director of one of the health offices.

They shall not be permitted to issue any bill of health or authorized to visé any bills of health except those of vessels departing with pratique.

They shall compel vessels arriving at their ports with a foul bill of health or under irregular conditions to put into a port where there is a health office.

They can not make sanitary inquests themselves, but they must call upon the director of their office for this purpose.

Outside of cases of absolute urgency, they shall correspond only with this director in all administrative matters. In urgent sanitary and quarantine matters, such as the measures to be taken in regard to an arriving vessel, or the annotation to be made on the bill of health of a departing vessel, they shall correspond directly with the President of the Board; but they must communicate this correspondence to their director without delay.

They shall be obliged to give notice, by the quickest route, to the President of the Board regarding shipwrecks of which they have knowledge.

ART. 16. The sanitary posts shall be six in number, as follows:

Posts of Port Neuf, Aboukir, Brullos, and Rosetta, under the Alexandria office.

Posts of Kantara and of the inland port of Ismailia, under the Port Said office.

The Board may create new sanitary posts, according to the needs of the service and its resources.

ART. 17. The permanent or temporary service of the sanitary stations and quarantine camps shall be intrusted to directors having under their orders sanitary employees, guards, porters, and servants.

ART. 18. It shall be the duty of the directors to compel persons sent to the sanitary station or the camp to submit to quarantine. They shall cooperate with the physicians in isolating the different categories of quarantined persons and in preventing any jeopardization. Upon the expiration of the period fixed, they shall grant or withhold pratique in accordance with the regulations, cause merchandise and wearing apparel to be disinfected, and apply quarantine to the persons employed in this operation.

ART. 19. They shall exercise constant supervision over the execution of the measures prescribed, as well as over the state of health of the quarantined persons and the employees of the establishment.

ART. 20. They shall be responsible for the progress of the service and shall give an account thereof, in a daily report, to the President of the Sanitary, Maritime, and Quarantine Board.

ART. 21. The physicians attached to the sanitary stations and quarantine camps shall be under the directors of these establishments. They shall have the druggists and hospital attendants under their orders.

They shall watch over the state of health of the quarantined persons and of the employees, and shall direct the infirmary of the sanitary station or of the camp.

Pratique shall not be granted to persons in quarantine until an inspection and favorable report have been made by the physician.

ART. 22. In each sanitary office, sanitary station, or quarantine camp, the director shall also be "accounting officer."

He shall, under his own actual personal responsibility, designate the employee to be in charge of the receipt of the sanitary and quarantine dues.

The chiefs of sanitary agencies or posts shall also be accounting officers, and shall be personally charged with collecting the dues.

The agents charged with the collection of the dues must conform, as regards the guarantees to be given, the keeping of the documents, the time of payments, and in general everything relating to the financial part of their service, to the regulations issued by the Ministry of Finance.

ART. 23. The expenses of the Sanitary, Maritime, and Quarantine Service shall be defrayed with the means at the disposal of the Board itself, or, with the consent of the Ministry of Finance, from such fund as the latter may designate.

Cairo, June 19, 1893.

RIAZ.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
February 19, 1913.

Resolved (*two-thirds of the Senators present concurring therein*), That the Senate advise and consent to the ratification of a convention between the United States and other powers, signed at Paris on January 17, 1913, modifying the international sanitary convention of December 3, 1903: *Provided*, That the Senate advise and consent to the ratification of said convention with the understanding, to be expressed as a part of the instrument of ratification, that nothing contained in article 9 thereof shall be deemed to prevent the United States from carrying out any special quarantine measures against the infection of its ports which might be demanded by unusual sanitary conditions.

ITALY.

1913.

Convention—Commerce and Navigation.

Signed at Washington, February 25, 1913; ratification advised by the Senate, February 26, 1913.

Article I. Treaty of 1871 amended.

The United States of America and His Majesty the King of Italy, desiring to define more accurately the rights of their respective citizens in the territories of the other, have for that purpose determined to conclude a treaty amendatory of Article III of the Treaty of Commerce and Navigation of February 26, 1871, between the two countries, and have named as their respective Plenipotentiaries:

The President of the United States of America: Philander C. Knox, Secretary of State of the United States of America;

His Majesty the King of Italy: The Marquis Cusani Confalonieri, Commander of the Order of Saint Maurice and Saint Lazarus, Grand Cordon of the Order of the Crown of Italy, etc., etc., His Ambassador Extraordinary and Plenipotentiary at Washington:

And the said Plenipotentiaries having exhibited, each to the other, their full powers, found to be in good and due form, have concluded and signed the following articles:

Article I.

It is agreed between the High Contracting Parties that the first paragraph of Article III of the Treaty of Commerce and Navigation of February 26, 1871, between the United States and Italy shall be replaced by the following provision:

"The citizens of each of the High Contracting Parties shall receive in the States and Territories of the other the most constant security and protection for their persons and property and for their rights, including that form of protection granted by any State or national law which establishes a civil responsibility for injuries or for death caused by negligence or fault and gives to relatives or heirs of the injured party a right of action, which right shall not be restricted on account of the nationality of said relatives or heirs; and shall enjoy in this respect the same rights and privileges as are or shall be granted to nationals, provided that they submit themselves to the conditions imposed on the latter."

ARTICLE II.

The present Treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Majesty the King of Italy, in accordance with the constitutional forms of that Kingdom, and shall go into operation upon the exchange of the ratifications thereof, which shall be effected at Washinton as soon as practicable.

In faith whereof the Plenipotentiaries of the High Contracting Parties have signed the present Treaty in duplicate in the English and Italian languages, and have affixed thereto their respective seals.

Done at Washington this 25th day of February, in the year of our Lord one thousand nine hundred and thirteen.

[SEAL.] PHILANDER C. KNOX.
[SEAL.] CUSANI.

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